

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 272/07

Case overview

1. Mr X is aged 28 and is a citizen of Tanzania. He said he has an Australian citizen wife, a boy aged 13 months and another child due in January 2008.
2. Mr X arrived in Australia as a stowaway in December 2002. In January 2003 he was detained under s 189(1) of the *Migration Act 1958* and was placed Maribyrnong Immigration Detention Centre (IDC). At a later date he was transferred to Baxter IDC. In May 2005 Mr X was granted a Bridging Visa and released from detention. In May 2007 Mr X was re-detained and placed in Community Detention.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa in June 2003 was affirmed by the Refugee Review Tribunal in August 2003. He unsuccessfully sought judicial review at the Federal Court, Full Federal Court and High Court. On 13 September 2007 Mr X was granted a temporary Spouse Visa (SV) and was released from detention. DIAC advises that Mr X is able to apply for a permanent SV after September 2009.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 22 May 2007.
5. Ombudsman staff interviewed Mr X on 18 September 2007.
6. Ombudsman staff sighted a report by International Health and Medical Services (IHMS) dated 18 May 2007.

Key issues

Health and welfare

7. The IHMS report noted that Mr X experienced depression and was treated with anti-depressant medication and supportive counselling while in detention.

Community links

8. DIAC advises that Mr X volunteers as an interpreter/translator for Anglicare, assisting recently arrived African refugees. As he is one of only two Swahili speakers in the area and speaks fluent English, there is a steady demand for his services.

Ombudsman assessment/recommendation

9. The Ombudsman notes that Mr X is now the holder of a temporary SV and makes no recommendations in this report.



Prof. John McMillan
Commonwealth and Immigration Ombudsman



Date