

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 267/07

Case overview

1. Mr X is aged 43 and is an citizen. He claims his parents, wife and children live in
2. Mr X arrived in Australia by boat in November 1999. He was detained under s 189(2) of the *Migration Act 1958* and placed at the Curtin Immigration Reception and Processing Centre and at a later date, Baxter Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a permanent Protection Visa (PV) in March 2000 was affirmed by the Refugee Review Tribunal in May 2000. He unsuccessfully sought judicial review at the Federal Court and the Full Federal Court. A s 48B submission resulted in the former Minister allowing Mr X to lodge a further PV application. In July 2006 Mr X was granted a Removal Pending Bridging Visa and released from detention. On 7 September 2006 Mr X was granted a PV.

Ombudsman consideration

4. The DIAC report to the Ombudsman under s 486N is dated 21 November 2005.
5. Ombudsman staff interviewed Mr X on 28 July 2006 in the presence of his lawyer, Ms Y.
6. Ombudsman staff sighted a Professional Support Services (PSS) psychological summary report and an International Health and Medical Services (IHMS) report, both dated 30 November 2005.

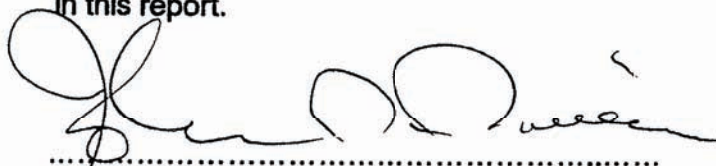
Key issues

Health and welfare

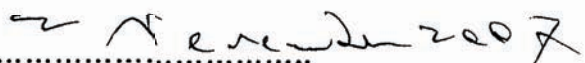
7. The PSS report noted that Mr X presented *'with agitation, anxiety and sleep problems. Moreover, he was at risk of self harm behaviours and suicidal ideations ... The signs and symptoms mentioned in Mr X's progress notes indicate that he suffered from General Anxiety Disorder'*. The IHMS report noted that he required intravenous resuscitation after an episode of voluntary starvation.

Ombudsman assessment/recommendation

8. The Ombudsman notes Mr X is now the holder of a PV and makes no recommendations in this report.



.....
Prof. John McMillan
Commonwealth and Immigration Ombudsman


.....
Date