

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 301/07

Case overview

1. Mr X is aged 25. He was born in Saudi Arabia to Jordanian parents and is a citizen of Jordan. He is also a Palestinian Muslim. His family returned to Jordan when he was aged 18 and remain there.
2. In July 2001 Mr X came to Australia from Jordan on a Student Visa. His visa was cancelled in March 2002 and he was detained under s 189(1) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre (IDC). In June 2002 he was released from detention on a Bridging Visa (BV). In December 2002 he was re-detained and placed at Villawood IDC. In January 2003 he was transferred to NSW Corrective Services, returning to Villawood IDC in May 2003. In December 2003 he was transferred to gaol to serve a sentence until April 2004, when he was placed at Villawood IDC and then at Baxter IDC.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in June 2002 was affirmed by the Refugee Review Tribunal (RRT). He unsuccessfully sought judicial review at the Federal Magistrates Court and Full Federal Court. A request under s 48B resulted in the Minister allowing Mr X to apply for another PV. DIAC refused his application and he successfully appealed to the RRT. On 24 February 2006 Mr X was granted a Temporary Protection Visa (TPV) and released from detention.

Ombudsman consideration

4. DIAC's reports to the Ombudsman under s 486N are dated 29 September 2005 and 6 January 2006.
5. Ombudsman staff interviewed Mr X on 3 November 2005 and 10 July 2006.
6. Ombudsman staff sighted the following documents: a medical summary report from International Health and Medical Services (IHMS) dated 17 November 2005; a psychological summary report from Professional Support Services (PSS) dated 16 November 2005; and a copy of DIAC's ministerial submission dated 20 September 2005.

Key issues

Health and welfare

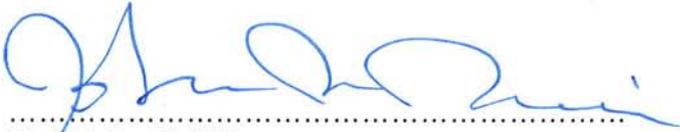
7. The IHMS report noted that a formal diagnosis had been difficult to make due to the presence of '*antisocial personality disorder and auditory hallucinations*', but stated that Mr X had signs of '*Depression and Anxiety*'. The PSS report noted that his antisocial and borderline personality features included '*impulsivity, manipulation, and poor emotional management*'.
8. Mr X said that after being released from detention, he elected to manage his own health.

Other issues

9. At interview Mr X reported that since his release it had been difficult to secure work. He said employers wanted someone with experience or were suspicious of his TPV. He had wanted to study but had no money to pay for fees. As a holder of a TPV, he was not eligible for either a Commonwealth Supported Place or a HECS-HELP loan to pay for student fees.

Ombudsman assessment/recommendation

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



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Prof. John McMillan
Commonwealth and Immigration Ombudsman



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Date