

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 297/07

Case overview

1. Mr X is aged 40 and is a citizen of Algeria. He says that his family and daughter live in Algeria.
2. Mr X arrived in Australia by boat in May 2001. He was detained under s 189(2) of the *Migration Act 1958* on Thursday Island and then transferred to Villawood Immigration Detention Centre (IDC). In July 2001 he escaped from Villawood IDC and was re-detained in February 2003 when he presented himself at Villawood IDC. He was later transferred to Perth and Baxter IDCs. In July 2004 Mr X was granted a Bridging Visa and released from detention. He was re-detained and placed in alternative detention arrangements in April 2005.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in July 2001 was affirmed by the Refugee Review Tribunal in August 2001. Mr X unsuccessfully sought judicial review at the Federal Court, Full Federal Court and High Court. A request under s 48B resulted in the Minister allowing Mr X to apply for another PV in June 2005. On 19 September 2005 Mr X was granted a Temporary Protection Visa (TPV) and released from detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 5 September 2005.
5. Ombudsman staff interviewed Mr X on 28 October 2005.

Key issues

Health and welfare

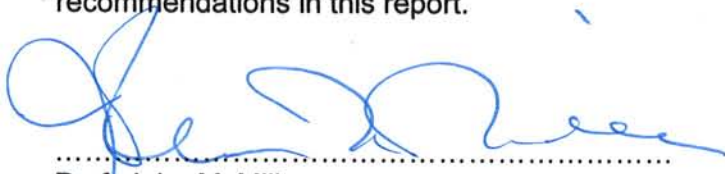
6. DIAC advises that Mr X was placed on Suicide and Self Harm observation on several occasions. In September 2005 he was voluntarily admitted to a Perth psychiatric hospital.
7. Mr X told Ombudsman staff at interview that he was receiving mental health treatment, however with freedom *'he had started to heal and have a normal smile'*.

Attitude to removal

8. At interview Mr X said that if he was returned to Algeria he would fear for his life.

Ombudsman assessment/recommendation

9. 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