

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 328/07

Case overview

1. Mr X is aged 34 and is a citizen of the People's Republic of China.
2. Mr X entered Australia in January 2005 on a Short Stay Business Visa. In February 2005 he was detained under s 189(1) of the *Migration Act 1958* after breaching the conditions of his visa and was placed at Villawood Immigration Detention Centre (IDC). He was later transferred to Baxter IDC, Alternative Detention and Community Detention.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in May 2005 was affirmed by the Refugee Review Tribunal (RRT) in June 2005. He unsuccessfully sought judicial review at the Federal Magistrates Court. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV application, which was refused in March 2007. Merits review of the refusal was sought at the RRT and the matter was remitted to DIAC. On 27 August 2007 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 2 March 2007 and 28 July 2007.
5. Ombudsman staff were unable to contact Mr X to interview him.
6. Ombudsman staff sighted a Professional Support Services (PSS) psychology summary report dated 26 September 2006, and a psychiatric report by Assoc Prof Y from the Glenside Campus Mental Health Service (GCMHS) dated 14 November 2006.


Key issues

Health and welfare

7. The September 2006 PSS report noted that Mr X was diagnosed with Major Depression, however little progress was made with counselling and medication while he was at Baxter IDC. In September 2006 Mr X was admitted to GCMHS following a self-harm attempt.
8. Mr X was discharged from GCMHS in May 2007 and placed into Community Detention.

Ombudsman assessment/recommendation

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


Prof. John McMillan
Commonwealth and Immigration Ombudsman


Date