

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 242/07

Case overview

1. Mr X is aged 26 and is a citizen of Vietnam. He has a wife and son aged five in Vietnam and is in regular contact with them. Mr X claims to be the adopted son of the late Mr Y, who is the subject of Report 243/07.
2. Mr X arrived in Australia by boat in July 2003. He was detained under s 189(2) of the *Migration Act 1958* and placed at Christmas Island Immigration Reception and Processing Centre (IRPC).
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in October 2003 was affirmed by the Refugee Review Tribunal in April 2004. A request under s 195A resulted in the Minister granting Mr X a Temporary Protection Visa (TPV) in July 2005 and he was released from detention.

Ombudsman consideration

4. The DIAC report under s 486N is dated 21 July 2005. The report on Mr X is included with the report on Mr Y.
5. Ombudsman staff interviewed Mr X on 16 March 2006.
6. Ombudsman staff sighted a medical summary report from International Health and Medical Services (IHMS), undated, and a psychological summary report from Professional Support Services (PSS) dated 4 September 2006.

Key issues

Health and welfare

7. The PSS report noted that Mr X was seen by PSS counsellors between October 2004 and June 2005. He was treated with '*Supportive and Cognitive Behavioural Therapy*' for '*stress issues, feelings of guilt, managing anger, frustration and anxiety*', with contact becoming more frequent following a self-harm attempt.
8. At interview with Ombudsman staff Mr X said that while at Christmas Island IRPC he began suffering from anxiety and had difficulty sleeping. He further said that he missed his family and felt '*really sad*'. He said that he was unable to take his family with him when he left Vietnam, as he had to leave immediately. He said he wants to sponsor them to Australia, however he cannot do so while he is on a TPV.

Attitude to removal

9. At interview Mr X stated that he does not want to return to Vietnam. He believes that if he is returned he will be persecuted by Vietnamese authorities for his family's anti-communist actions and beliefs.

Ombudsman assessment/recommendation

10. 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