

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 245/07

Case overview

1. Mr X is aged 36 and is a citizen of Vietnam. He has a sister residing in Australia.
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.
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) on 28 July 2005 and he was released from detention. DIAC advises that in August 2007 Mr X lodged an application for waiver of the waiting period for the grant of a PV. The matter is ongoing.

Ombudsman consideration

4. The DIAC report to the Ombudsman under s 486N is dated 21 July 2005.
5. Ombudsman staff interviewed Mr X by telephone on 7 August 2007.
6. Ombudsman staff sighted a Professional Support Services (PSS) psychological summary report dated 27 August 2007.

Key issues

Health and welfare


7. The PSS report noted that Mr X was seen two or three times a month between October 2004 and June 2005 and accessed telephone counselling during that time. The report further noted that Mr X experienced '*frustration and anger; conflict with others ... suicidal ideation ... anxiety symptoms; mild depression; grief and loss re. separation from family members*'. He was said to have '*responded well to counselling*'. DIAC advises that Mr X was prescribed anti-depressants in mid 2004. He was placed under Suicide and Self Harm observation on multiple occasions and hospitalised for two days in June 2005 after self-harming.
8. Mr X told Ombudsman staff that he felt angry and frustrated while in detention as he was treated '*as if I was a criminal ... if I had been there for too much longer I would have gone crazy*'. He is not presently seeking psychological assistance.


Attitude to removal

9. Mr X wishes to remain in Australia. He fears that he will be persecuted by the Vietnamese government for his involvement in anti-government activities if he is returned to Vietnam.

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