

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 087/06

Principal facts

Personal details

1. Mr X is a single male, aged 29 years old. He is a citizen of Iran, of a Farsi speaking Arab minority and is a Shi'a Muslim.

Detention history

2. Mr X arrived in Australia by boat in December 2000. He was detained by the Department (DIMA) under s 189(2) of the *Migration Act 1958* and placed in the Woomera Immigration Reception and Processing Centre (IRPC). In March 2002, he escaped from the Woomera IRPC. He was captured in March 2003 and re-detained at the Baxter Immigration Detention Facility (IDF).

Visa applications

3. Applied for Protection Visa (PV) (July 2001), refused (August 2001); Refugee Review Tribunal (RRT) affirmed refusal (January 2002); judicial review to the Federal Magistrates Court (FMC) (February 2002), dismissed (September 2004); appeal to Federal Court dismissed (March 2005).
4. Request under s 417 (January 2004), declined (March 2004); five further s 417 requests (March – June 2005); request under s 48B (April 2005); Mr X included in s 417/s 48B submission to the Minister (in a submission on Iranian apostasy cases) (June 2005), s 48B successful and new PV application lodged (July 2005).

Current immigration status

5. On 25 July 2005, Mr X was granted a Temporary Protection Visa (TPV) and was released from detention. He currently resides in the community at Port Pirie, South Australia.

Removal details

6. An Iranian re-integration package was offered to Mr X in September 2003. The offer was withdrawn in November 2003 due to active litigation.

Ombudsman consideration

7. The DIMA report to the Ombudsman under s 486N was received on 19 August 2005.
8. Ombudsman staff interviewed Mr X in Adelaide on 29 September 2005.
9. Ombudsman staff have sighted a number of documents, including: medical summary reports from International Health and Medical Service (IHMS) (August 2005) and Professional Support Services (PSS) (August 2005); s 417 and s 48B submissions to the Minister from Ms Y (April 2005); and letters from the Australian Refugee Association (ARA).

Key issues

Health and welfare

10. The IHMS report lists Mr X's diagnoses as: major depression; Post Traumatic Stress Disorder; nasal fractures; and nasal deformity. It notes a history of self-harm, including a