

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 166/07

Personal details

1. Mr X is aged 37 and is a citizen of Iran. His family remains in Iran.

Detention history

2. Mr X was detained on two occasions from November 2000 until February 2002 and July 2006 until May 2007, when he was granted a Global Special Humanitarian Visa (GSHV).

Visa applications

3. Mr X entered Australia by boat in November 2000. The Department's (DIAC) decision to refuse his initial application for a Protection Visa in March 2001 was affirmed by the Refugee Review Tribunal and judicial review.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N of the *Migration Act 1958* is dated 23 April 2007.
5. The Ombudsman considered a range of documents related to Mr X but were unable to interview him.


Key issues

Health and welfare

6. In 2002, Mr X was granted a Bridging Visa based on medical advice but he became an unlawful non-citizen when he remained in Australia after the expiry of the Bridging Visa. He was detained for the second time in July 2006 and was admitted to Westmead Hospital as an involuntary in-patient in July 2006. Mr X was diagnosed with severe depression. His treatment regime during his initial period of detention included Electro-Convulsive Therapy, intravenous food intake, and several periods of hospitalisation.

Ombudsman assessment/recommendation

8. The Ombudsman notes that Mr X is now the holder of a GSHV and makes no recommendations. The Ombudsman suggests that DIAC consider the circumstances of Mr X's illness and what ongoing medical and casework support it should provide if required.


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Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman

23 May 2007
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Date