

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 174/07

Principal facts

Personal details

1. Mr X is aged 58 and is a citizen of Iran. He is married and has two adult children.

Detention history

2. Mr X was detained from February 2000 until September 2005 when he was granted a Removal Pending Bridging Visa.

Visa applications

3. Mr X entered Australia by boat in February 2000. The Department's (DIAC) decision to refuse his initial Protection Visa claim in January 2001 was affirmed by the Refugee Review Tribunal (RRT) in May 2001, and again in December 2001. Mr X sought judicial review and the Federal Court set aside the decision and remitted the matter to the RRT. The RRT again affirmed the PV refusal in January 2002. Mr X unsuccessfully sought judicial review of this decision. He was granted a Global Special Humanitarian Visa (GSHV) in June 2006.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N of the *Migration Act 1958* is dated 19 August 2005.
5. Ombudsman staff considered a range of documents related to Mr X and interviewed him in September 2005.

Key issues

Health and welfare

6. International Health and Medical Services noted that while in detention Mr X's depressive state deteriorated. Mr X was admitted to Glenside Hospital, where a psychiatrist diagnosed him as suffering from major depression together with Posttraumatic Stress Disorder, '*most likely to have been caused by his privations suffered in prison in Iran and later his extended incarceration in Australian Detention Centres*'.

Ombudsman assessment/recommendation

7. The Ombudsman notes that Mr X is now the holder of a GSHV and makes no recommendation.

V. Thom

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Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman

23 May 2007

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Date