

**REPORT FOR TABLING IN PARLIAMENT BY
THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN**

Under s 486O of the Migration Act 1958

Personal identifier: 321/07

Case overview

1. Mr X is aged 49 and is a citizen of Iran.
2. Mr X arrived in Australia in December 2000 by boat. He was detained under s 189(2) of the *Migration Act 1958* and placed at Curtin Immigration Reception Processing Centre. He was later transferred to Baxter Immigration Detention Centre (IDC).
3. The Department's (DIAC) decision to refuse Mr X a Protection Visa (PV) in March 2001 was affirmed by the Refugee Review Tribunal in December 2001. He unsuccessfully sought judicial review at the Federal Magistrates Court, Full Federal Court and High Court. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV application. On 21 July 2005 Mr X was granted a Temporary Protection Visa (TPV) and released from detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 27 October 2005.
5. Ombudsman staff interviewed Mr X on 9 November 2005.
6. Ombudsman staff sighted a psychology summary report from Professional Support Services (PSS) dated 27 October 2005; International Health and Medical Services (IHMS) progress notes dated 19 June 2005, and an IHMS report dated 31 October 2005.

Key issues

Health and welfare

7. The IHMS psychiatrist diagnosed Mr X with Post-traumatic Stress Disorder. The PSS report noted that Mr X received supportive counselling between January 2004 and July 2005, and his *'difficulty sleeping and depressed mood were continual concerns that arose'*.

Post-release issues

8. Mr X stated that upon his release, DIAC staff found him a hotel in Port Augusta. He had \$900 in earnings from detention, \$200 from DIAC and was assisted to obtain Centrelink benefits. He said that the following day he caught a bus to Adelaide and felt *'totally lost'*. He said, *'I didn't even know what Australian money looked like'*. In arranging an interview with him, Ombudsman staff found it necessary to refer Mr X to social support services as they found that he was at risk of homelessness and had little awareness of available community support.

Ombudsman assessment/recommendation

9. 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

