

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 315/07

Case overview

1. Mr X is aged 34 and is a citizen of Iran. His family live in Iran.
2. Mr X arrived in Australia in July 2000 by boat. He was detained under s 189(2) of the *Migration Act 1958* and placed at Port Hedland Immigration Reception and Processing Centre (IRPC). He was transferred to Woomera IRPC and escaped in June 2002. Mr X voluntarily approached DIAC in November 2005, was detained under s 189(1), and was placed at Baxter Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in August 2000 was affirmed by the Refugee Review Tribunal in October 2000. He unsuccessfully sought judicial review at the Federal Court and Full Federal Court. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV application. On 9 May 2006 he was granted a Temporary Protection Visa (TPV).

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 6 December 2005.
5. Ombudsman staff interviewed Mr X on 6 March 2006.
6. Ombudsman staff sighted a psychology summary report by Professional Support Services (PSS) dated 5 September 2006.

Key issues

Health and welfare

7. The PSS report noted that Mr X was regularly seen by the Mental Health Team from November 2005 until the time of his release. In January 2006 a psychiatrist diagnosed him with Adjustment Disorder and he was treated with antidepressant medication and counselling.

Ombudsman assessment/recommendation

8. 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

16 November 2007