

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 317/07

Case overview

1. Mr X is aged 29 and is a citizen of Iran. Mr X's parents, four sisters and one brother live in Iran.
2. In January 2001 Mr X arrived in Australia by boat. He was detained under s 189(2) of the *Migration Act 1958* and placed at Curtin Immigration Reception and Processing Centre (IRPC). At a later date he was transferred to Baxter Immigration Detention Centre (IDC).
3. The Department's (DIAC) decision to refuse Mr X's Protection Visa (PV) application in June 2001 was affirmed by the Refugee Review Tribunal in September 2001. He unsuccessfully sought judicial review at the Federal Court, Full Federal Court and High Court. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV claim and on 19 July 2005 he 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 13 December 2005.
5. Ombudsman staff interviewed Mr X on 28 November 2006.

Key issues

Health and welfare

6. At interview, Mr X said that in May 2003 he took an overdose of Amitriptyline, because 'I wanted to kill myself'. Mr X said that upon returning to Baxter IDC it was 'easy' to find drugs. DIAC advised that in March 2004 Mr X told DIAC staff that he had an addiction to marijuana and prescription medication. He received assistance and in August 2004 advised DIAC staff he had stopped his use of drugs and was doing well.

Post-release issues

7. Mr X had been studying English full time. He said it was difficult finding employment while on a TPV, and he felt that people often viewed former immigration detainees as criminals.

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