

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 313/07

Case overview

1. Mr X is aged 36 and is a citizen of Iran. His wife and daughter live in 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 and Processing Centre (IRPC). At a later date he was transferred to Perth Immigration Detention Centre (IDC) and Baxter IDC.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in February 2001 was affirmed by the Refugee Review Tribunal in June 2001. He unsuccessfully sought judicial review at the Federal Court, Full Federal Court and was refused special leave to appeal to the High Court. A s 48B request regarding the Iranian apostasy cases resulted in the Minister allowing Mr X to lodge another PV application. On 18 August 2005 Mr X was granted a Temporary Protection Visa (TPV) and was released from detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 18 August 2005.
5. Ombudsman staff interviewed Mr X on 10 November 2005.
6. Ombudsman staff sighted a psychiatric report dated 25 October 2005.

Key issues

Health and welfare

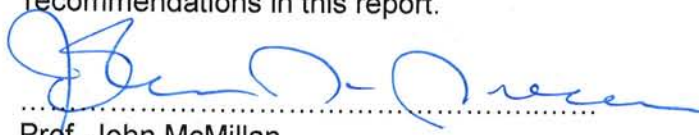
7. DIAC advises that Mr X was placed on Suicide and Self Harm observation on two occasions while in detention.
8. The psychiatrist assessed Mr X on 24 October 2005, two months after he was released from detention. The psychiatrist noted that Mr X's *'main concern was about his disrupted sleep, lack of energy and interest and his intrusive pre-occupation with the well-being of his family in Iran ... There are some symptoms of significant anxiety so that all in all he is significantly impaired ... His most pervasive feeling is one of anger and frustration about his circumstances ... Unfortunately, I think he is basically correct in his appraisal that conventional psychiatry has little to offer him'*. The psychiatrist recommended supportive therapy, if this was something Mr X wanted.

Attitude to removal

9. At interview with Ombudsman staff, Mr X said that he left Iran due to the political problems in that country. He said that he changed his religion while in detention and he did not feel safe to return to Iran.

Ombudsman assessment/recommendation

10. 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