

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 300/07

Case overview

1. Mr X is aged 32 and is a citizen of Iraq. He claims that his parents and siblings were displaced by the war and they now live in Iran.
2. Mr X arrived in Australia as a stowaway in December 2002. He was detained under s 189(2) of the *Migration Act 1958* aboard the vessel until it departed the next day. The vessel returned in January 2003 and Mr X was again detained for one day until the vessel departed. The vessel returned on 24 January 2003, and Mr X was detained at Perth Immigration Detention Centre (IDC). At a later date he was transferred to Port Hedland Immigration Reception and Processing Centre and Baxter IDC. On 11 August 2005 Mr X was granted a Removal Pending Bridging Visa and released from detention.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in January 2004 was affirmed by the Refugee Review Tribunal in April 2004. A request lodged under s 48B resulted in the Minister allowing Mr X to lodge another PV application in December 2005. He was subsequently granted a Temporary Protection Visa (TPV) on 22 March 2006.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 7 November 2005.
5. Ombudsman staff interviewed Mr X on 14 June 2006.
6. Ombudsman staff sighted the following documents: a medical summary report from International Health and Medical Services (IHMS) and a psychological summary report from Professional Support Services, both dated 14 November 2005.

Key issues

Health and welfare

7. The IHMS report noted that Mr X had been diagnosed with depression and anxiety.

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