

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 316/07*

## Case overview

1. Mr X is aged 39 and is a citizen of Iran.
2. Mr X arrived in Australia in January 2001 by boat. He was detained under s 189(2) of the *Migration Act 1958* and placed at Woomera Immigration Reception and Processing Centre. At a later date he was transferred to Baxter Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in August 2001 was affirmed by the Refugee Review Tribunal in October 2001. He unsuccessfully sought judicial review at the Federal Court and Full Federal Court. A s 48B request 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 was released from detention.

## Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 9 December 2005.
5. Ombudsman staff interviewed Mr X on 14 February 2007.


## Key issues

### *Health and welfare*

6. At interview with Ombudsman staff, Mr X said that he witnessed many '*disturbing*' things while in detention, such as people self-harming. He said that in the last year of his four-and-a-half-year detention experience his health started to deteriorate, and he became depressed and had difficulty sleeping.
7. Mr X said that since being released from detention he had not been given appropriate support. He had continued to feel stressed and insecure and said '*it feels like there is not enough air around me*'. He also said that he has trouble concentrating and sleeping, and that his memory had deteriorated in detention.
8. Mr X said since being released he has been seeing a counsellor from the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors.

## 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