

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 263/07*

## Case overview

1. Mr X is aged 33 and is a citizen of Iran. He claims that his parents and seven siblings live in Iran.
2. Mr X arrived in Australia by boat in November 2000. He was detained under s 189(2) of the *Migration Act 1958* and placed at Curtin Immigration Reception and Processing Centre (IRPC), and at a later point was transferred to the Perth Immigration Detention Centre and Port Hedland IRPC. Mr X was remanded at the Broome Regional Prison between August 2002 and March 2003 regarding the wilful damage of Commonwealth property, and in June 2004 for one month at the Hakea Prison following an alleged assault on a detention services officer.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in April 2001 was affirmed by the Refugee Review Tribunal in October 2001. He unsuccessfully sought judicial review at the Federal Magistrates Court and the Full Federal Court. Mr X was granted a Bridging Visa and released from detention due to health issues in December 2004. In September 2005 Mr X was placed in Community Detention. A s 48B submission resulted in the former Minister allowing Mr X to lodge a further PV application and in March 2006 he was granted a Temporary Protection Visa (TPV) and released from detention. On 10 July 2007 Mr X was granted a permanent PV.

## Ombudsman consideration

4. DIAC reports to the Ombudsman under s 486N are dated 10 October 2005 and 9 January 2006.
5. Ombudsman staff interviewed Mr X on 21 February 2006.
6. Ombudsman staff sighted the following documents: a psychiatric report by Dr Y dated 30 September 2004; a report by Dr Z, Psychiatric Registrar at Rozelle Hospital, dated 14 November 2005; and a psychological report by W dated 14 November 2005.

## Key issues

### *Health and welfare*

7. The available medical reports were written while Mr X was still in immigration detention. Dr Y diagnosed major depression and Post-traumatic Stress Disorder. Dr Ahmed reported that Mr X's 'symptoms are directly related to his experience of detention and are unlikely to improve overnight even if he gains a permanent visa'.
8. In his interview with Ombudsman staff, Mr X alleged that he was beaten, humiliated and provoked on numerous occasions by the detention centre officers during his detention. He said that this has had a lasting effect on his mental health.

## Ombudsman assessment/recommendation

9. The Ombudsman notes that Mr X is now the holder of a permanent PV and makes no recommendations in this report.



Prof. John McMillan  
Commonwealth and Immigration Ombudsman



Date