

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 306/07

Case overview

1. Mr X is aged 39 and is a citizen of Iran. His family live in Iran.
2. Mr X arrived in Australia in November 2000 by boat, was detained under s 189(2) of the *Migration Act 1958* and placed at Curtin Immigration Reception and Processing Centre. He was later transferred to Baxter Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in March 2001 was affirmed by the Refugee Review Tribunal (RRT) in August 2001. The Federal Court (FC) set aside the RRT decision. In March 2002 the RRT again affirmed the refusal of a PV. Mr X unsuccessfully sought judicial review at the FC which was heard by the Federal Magistrates Court, Full FC and High Court. A s 48B request resulted in the Minister allowing Mr X to lodge another PV application. On 1 August 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 25 November 2005.
5. Ombudsman staff interviewed Mr X on 5 April 2006.

Key issues

Health and welfare

6. At interview Mr X stated that detention had impacted on his mental and physical health. He claims he was *'kept in fear all the time ... after four or five years [it] affects your health'*.
7. Mr X stated that his general health had improved since leaving detention, however he often became angry due to the ongoing uncertainty of his immigration status. He said that he still *'dreams of detention'* and had been prescribed anti-depression medication but had elected not to take it.

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