

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 305/07

Case overview

1. Mr X is aged 38 and is a citizen of Iran. His family live in Iran.
2. Mr X arrived in Australia in November 2000 by boat. He 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 January 2001 was affirmed by the Refugee Review Tribunal (RRT) in April 2001. He unsuccessfully sought judicial review at the Federal Court, Full Federal Court and High Court. A s 48B request resulted in the Minister allowing Mr X to lodge another PV application. On 25 July 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 12 December 2005.
5. Ombudsman staff interviewed Mr X on 25 August 2006.

Key issues

Health and welfare

6. At interview Mr X stated that he found the detention experience 'difficult' and that he had ongoing feelings of 'fear and worry'. He said that he experienced nightmares and had difficulty sleeping. He said he had elected not to seek psychological treatment and had learnt to resolve issues himself.

Post-release issues

7. Mr X said that it had been difficult to find employment while he was on a TPV, as employers always asked if he had a permanent visa. He also said that because of the restrictions of the TPV he was unable to visit his family. He said 'I feel as if I have moved from a smaller to a larger cell'.

Ombudsman assessment/recommendation

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


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Prof. John McMillan
Commonwealth and Immigration Ombudsman


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Date