

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 307/07

Case overview

1. Mr X is aged 36 and is a citizen of Iran.
2. Mr X arrived in Australia in December 2002 as an unauthorised air arrival. He was detained under s 189(1) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in January 2003 was affirmed by the Refugee Review Tribunal in May 2003. Mr X 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 2 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 30 November 2005.
5. Ombudsman staff interviewed Mr X on 28 April 2006.
6. Ombudsmen staff sighted a psychological summary report by Professional Support Services (PSS) dated 14 December 2005, and a report by Clinical Psychologist Ms Y from the Psychiatry Research & Teaching Unit of the University of NSW dated 16 June 2006.

Key Issues

Health and welfare


7. The PSS report noted that although a formal diagnosis had not been made '*Mr X's presentation was consistent with Major Depression*' and that his ongoing detention was '*the main issue preventing improvement in his psychological state*'.
8. After his release into the community, Ms Y noted that Mr X '*currently presents with some symptoms of depression and posttraumatic stress ... further delays in his current refugee application process will only exacerbate his present condition*'.

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