

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 283/07*

## **Case overview**

1. Mr X is aged 44 and is a citizen of Iran.
2. Mr X arrived in Australia in December 2000 by boat. He was detained under s 189(2) of the *Migration Act 1958* and placed at the Curtin Immigration Reception and Processing Centre (IRPC). At a later date he was transferred to the Port Hedland IRPC and Baxter Immigration Detention Centre. In April 2002 Mr X was convicted of damaging Commonwealth property and was sentenced to eight months imprisonment.
3. The Department's (DIAC) decision to refuse Mr X's application for a permanent Protection Visa (PV) in January 2001 was affirmed by the Refugee Review Tribunal (RRT) in May 2001. He unsuccessfully sought judicial review at the Federal Court, Full Federal Court and High Court. A s 48B submission resulted in the Minister allowing Mr X to lodge a further PV application, which was refused. He sought merits review at the RRT, who set-aside the decision and remitted it back to DIAC. On 6 July 2005 Mr X was granted a Temporary Protection Visa (TPV) and released from detention. In May 2007 Mr X was granted PV.

## **Ombudsman consideration**

4. DIAC's report to the Ombudsman under s 486N is dated 13 December 2005.
5. Ombudsman staff interviewed Mr X on 8 June 2006.
6. Ombudsman staff sighted a Professional Support Services (PSS) psychological summary report dated 16 December 2005.

## **Key issues**

### *Health and welfare*


7. The PSS report noted that Mr X presented with anxiety symptoms including difficulty concentrating, memory problems and insomnia.

## **Ombudsman assessment/recommendation**

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



Prof. John McMillan  
Commonwealth and Immigration Ombudsman



Date