

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 312/07*

## Case overview

1. Mr X is aged 37 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 Curtin Immigration Reception and Processing Centre (IRPC). At a later date he was transferred to Port Hedland IRPC and Baxter Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in May 2001 was affirmed by the Refugee Review Tribunal in October 2001. He unsuccessfully sought judicial review at the Federal Magistrates Court and Full Federal Court. A s 48B request resulted in the Minister allowing Mr X to lodge another PV application. On 19 July 2005 Mr X was granted a Temporary Protection Visa (TPV) and was released from detention.

## Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 9 December 2005.
5. Ombudsman staff were unable to contact Mr X to interview him.

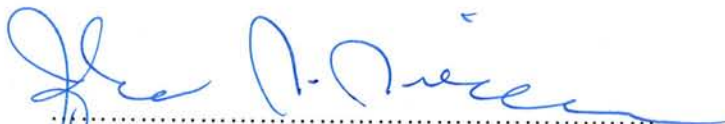
## Key issues

### *Health and welfare*

6. DIAC advises that Mr X was placed on Suicide and Self Harm observation on numerous occasions while in detention.

## Ombudsman assessment/recommendation

7. 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



16 November 2007

Date