

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 319/07

Case overview

1. Mr X is aged 34 and is a citizen of Iran. In April 2004 he married an Australian citizen and has two Australian citizen stepchildren.
2. Mr X arrived in Australia in April 2001 by boat. He was detained under s 189(2) of the Migration Act 1958 and placed at Woomera Immigration Reception and Processing Centre (IRPC). At a later date he was transferred to Port Hedland IRPC, back to Woomera IRPC and then to Baxter Immigration Detention Centre. He escaped twice from detention for brief periods. In November 2004 he was granted a Bridging Visa (BV) and released from detention. The BV ceased in May 2005. In July 2005 Mr X was re-detained under s 189(1) and placed in alternative detention with his wife as the designated person.
3. The Department (DIAC) refused Mr X's Protection Visa application (June 2001); refusal affirmed by Refugee Review Tribunal (September 2001). He unsuccessfully sought judicial review at the Federal Court and Full Federal Court. A s 417 request resulted in the Minister granting Mr X a Temporary Spouse Visa (TSV) on 8 December 2005 and he was released from alternative detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 15 November 2005.
5. Ombudsman staff were unable to contact Mr X to interview him.

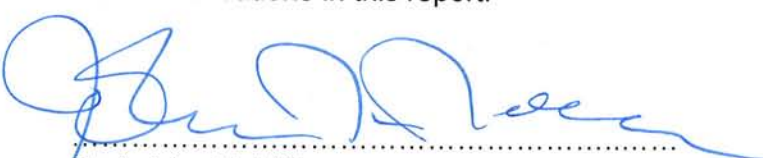
Key issues

Health and welfare

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

Ombudsman assessment/recommendation

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


Prof. John McMillan
Commonwealth and Immigration Ombudsman


Date