

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 303/07

Case overview

1. Mr X is aged 37 and is a citizen of Iran. His family lives in Iran.
2. Mr X arrived in Australia in September 2000 by boat and was detained under s 189(2) of the *Migration Act 1958* and placed at Curtin Immigration Reception and Processing Centre (IRPC). He was later transferred to Woomera IRPC and then Baxter Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in February 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, which was refused in May 2005. On appeal, the RRT set aside the decision and found protection obligations were owed to Mr X. On 2 August 2005 Mr X 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 25 August 2006.
6. Ombudsman staff sighted a psychological assessment from Dr Y of the NSW Institute of Psychiatry dated 31 December 2004.

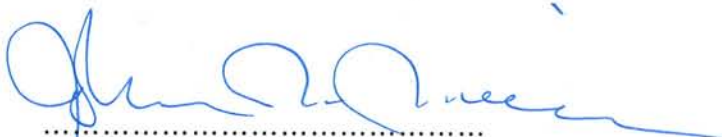
Key issues

Health and welfare

7. Dr Y noted to Mr X's migration agent that Mr X had '*marked feelings of guilt and shame*' and met '*DSM-IV [Diagnostic and Statistical Manual of Mental Disorders] Criteria for a diagnosis of Dissociative Disorder Not Otherwise Specified*' which she ascribed in part to the effects of prolonged detention.

Ombudsman assessment/recommendation

8. 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