

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

Under s 486O of the Migration Act 1958

Personal identifier: 302/07

Case overview

1. Mr X is aged 31 and is a citizen of Iran. Mr X's family live in Iran.
2. Mr X arrived in Australia in November 2000 by boat and was detained under s 189(2) of the *Migration Act 1958*. He was placed at the Curtin Immigration Reception Processing Centre (IRPC). He was later transferred to Port Hedland IRPC and then to Woomera IRPC, until he absconded in February 2003. He was located by the police two days later and placed at Baxter Immigration Detention Centre (IDC). Mr X served a sentence for destruction of Commonwealth property between March and June 2003 in the Port Augusta Gaol and the Adelaide Remand Centre, and was then transferred back to Baxter IDC. On 8 August 2005, Mr X was granted a Removal Pending Bridging Visa and released from detention.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa in February 2001 was affirmed by the Refugee Review Tribunal in April 2001. He unsuccessfully sought judicial review at the Federal Court and Full Federal Court. A request under s 417 resulted in the Minister granting Mr X a Temporary Protection Visa (TPV) on 29 June 2006.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 10 August 2005.
5. Ombudsman staff interviewed Mr X on 16 November 2005.
6. Ombudsman staff have sighted a psychiatric report by Assoc Prof Y from the Glenside Campus Mental Health Service report dated 24 June 2005.

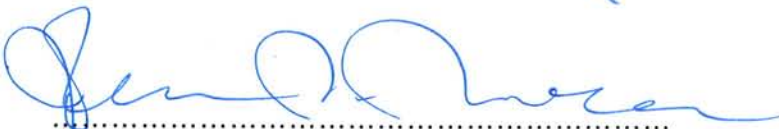
Key issues

Health and welfare

7. Assoc Prof Y reported that Mr X was diagnosed as suffering from 'a major depressive illness, at times with psychotic intensity, with post traumatic stress disorder'.
8. At interview with Ombudsman staff, Mr X stated that his mental health had improved since he had been in the community.

Ombudsman assessment/recommendation

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


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Prof. John McMillan
Commonwealth and Immigration Ombudsman


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Date