

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 330/07*

## Case overview

1. Mr X is aged 34 and is a citizen of Iran of Arab ethnicity.
2. Mr X arrived in Australia in November 2000 by boat. He was detained under s 189(2) of the *Migration Act 1958* and placed at Curtin Immigration Reception and Processing Centre. He was later transferred to Baxter Immigration Detention Centre.
3. The Department (DIAC) refused his Protection Visa application in December 2000. Mr X attended the Refugee Review Tribunal (RRT) four times in total with judicial review at the Federal Court, Federal Magistrates Court and Full Federal Court. In July 2005 the RRT found that protection obligations were owed to Mr Motlaq Sayyahi. On 1 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 8 December 2005.
5. Ombudsman staff interviewed Mr X on 28 November 2006.
6. Ombudsman staff sighted a Professional Support Services (PSS) report dated 7 December 2005; an International Health and Medical Services (IHMS) report dated 9 December 2005.

## Key issues

### *Health and welfare*

7. The PSS report noted that Mr X presented with self-harm and suicidal ideation and was diagnosed with a mixed anxiety-depression disorder. The IHMS report stated that Mr X had '*Post Traumatic Stress Disorder with Secondary Depression*' and was transferred to Port Augusta Hospital after self-harming in October 2004.
8. Mr X spent five years in detention. At interview, he said that since being in the community he had been having trouble sleeping and relaxing. He said that he felt stressed and that the future was 'dark', and that he believed that a permanent visa would '*go a long way towards helping to regain some mental health*'.

### *Attitude to removal*

9. Mr X said that he would be hanged if returned to Iran due to his involvement with the anti-government activist groups.

## Ombudsman assessment/recommendation

10. 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

Date

16 November 2007