

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 262/07*

## **Case overview**

1. Mr X is aged 28 and is a citizen of Iran. He said that his parents and siblings live in Iran.
2. Mr X arrived in Australia by boat in December 2000. 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 Woomera IRPC and Baxter Immigration Detention Centre (IDC). Mr X was remanded at the Port Augusta gaol between March and May 2003 for damage to Commonwealth property. In May 2005 he was transferred to Villawood IDC.
3. The Department's (DIAC) decision to refuse him 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 the Full Federal Court. A s 417 submission resulted in the former Minister granting Mr X a Global Special Humanitarian Visa (GSHV) on 23 September 2005.

## **Ombudsman consideration**

4. DIAC's report to the Ombudsman under s 486N is dated 10 August 2005.
5. Ombudsman staff interviewed Mr X in September 2005.
6. Ombudsman staff sighted the following documents: psychological reports by Mr Y dated 26 June 2003 and 2 May 2005; psychiatric reports by Dr Z from Bankstown Hospital, dated 13 May 2005 and by Dr A, Director, NSW Institute of Psychiatry, dated 4 July 2005; a psychological report by Ms B, dated 4 July 2005; a psychiatric report by Dr C dated 15 August 2005; an International Health and Medical Service (IHMS) progress note dated 18 July 2005 and a medical summary report dated 26 August 2005; a psychological summary report from Professional Support Services (PSS) dated 29 August 2005; and a psychiatric report by Dr D dated 2 September 2005.

## **Key issues**

### *Health and welfare*

7. Mr Y's June 2003 psychological report, undertaken at the request of Mr X's legal representation, noted that Mr X had Post-traumatic Stress Disorder and *'is clearly in need of urgent psychological and psychiatric treatment ... it is apparent that he has been left to experience ongoing psychological distress ... His mental health problems have occurred in response to his stressful environment and lack of adequate mental health treatment services'*.
8. Mr Y's May 2005 report noted that Mr X's condition had worsened between 2003 and 2005 and that he met the diagnostic criteria for a major depressive disorder.
9. PSS advised that it first assessed Mr X in May 2005 when he was transferred to Villawood IDC. Mr X was immediately admitted to the Banks House psychiatric facility at Bankstown Hospital. The attending psychiatrist, Dr Z, noted that Mr X presented with Major Depression and a wide variety of somatic complaints. Mr X was returned to Villawood IDC on 27 May 2005.

10. In September 2005 DIAC advised that Mr X had been referred to an independent psychiatrist, Dr D, for assessment. Dr D's report noted that without further information he was unable to make a diagnosis, however Mr X presented with auditory hallucinations that his current medication was ineffective in preventing. Mr X was granted a GSHV on 23 September 2005.

**Ombudsman assessment/recommendation**

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

  
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Prof. John McMillan  
Commonwealth and Immigration Ombudsman

  
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Date