

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 311/07

Case overview

1. Mr X is aged 29 and is a citizen of Iran.
2. Mr X arrived in Australia in October 2000 by boat. He was detained under s 189(2) of the *Migration Act 1958* and placed at Port Hedland Immigration Reception and Processing Centre. At a later date he was transferred to 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 in April 2001. He unsuccessfully sought judicial review at the Federal Magistrates Court, Full Federal Court and High Court. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV application. On 18 July 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 12 December 2005.
5. Ombudsman staff were unable to contact Mr X to interview him.
6. Ombudsman staff sighted a Professional Support Services (PSS) psychological summary report dated 7 December 2005.

Key issues

Health and welfare

7. On 9 December 2004 Mr X placed stitches through his lips and undertook voluntary starvation until 25 December 2004. He was placed on Suicide and Self Harm observation between 9 December 2004 and 28 December 2004.
8. The PSS report indicated that Mr X was diagnosed with, and received treatment for, Generalised Anxiety Disorder / Panic Disorder.

Ombudsman assessment/recommendation

9. 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