

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

Under s 486O of the Migration Act 1958

Personal identifier: 088/06

Principal facts

Personal details

1. Mr X is a single male aged approximately 23. He is a citizen of Afghanistan, of Pashtu ethnicity and a Sunni Muslim. Mr X has had no contact with his family in Afghanistan (mother, brothers and sisters) for five years, and does not know their current whereabouts.

Detention history

2. Mr X arrived in Australia by air in November 2000 as an unaccompanied minor, aged 17. He was detained under s 189(1) of the *Migration Act 1958* and placed in Villawood Immigration Detention Centre. He was relocated to Baxter Immigration Detention Facility (IDF) in June 2004 where he remained until his release in October 2005.

Visa applications

3. Applied for a Protection Visa (PV) (November 2000); refused by the Department (DIMA) (March 2001); refusal affirmed by the Refugee Review Tribunal (RRT) (June 2001); application to the Federal Court dismissed (August 2001); request under s 417 refused (December 2001); further 417 request made (December 2004); a s 48B request deemed inappropriate to consider (August 2004); and further s 48B request made (July 2005).

Current immigration status

4. On 4 October 2005, Mr X was granted a Temporary Protection Visa (TPV) after he was confirmed to be a citizen of Afghanistan. He was released from detention and is reported to be residing in Victoria.

Removal details

5. Between 2002 and 2004, DIMA reports it discussed removal options with Mr X on a number of occasions. Mr X was offered the Afghan Reintegration Package in June 2002 and May 2005. The offers lapsed without response.

Ombudsman consideration

6. The DIMA report to the Ombudsman under s 486N dated 30 August 2005.
7. Mr X was interviewed by Ombudsman staff at Baxter IDF on 23 September 2005.
8. Ombudsman staff have viewed medical summary reports from the International Health and Medical Service (IHMS) dated 21 November 2005, and a Professional Support Services (PSS) psychology report dated 21 November 2005.

Key issues

Nationality and refugee claims

9. Mr X claimed that he left Kabul in 2000 to escape forced conscription by the Taliban. He reported that the Taliban were targeting his home and pressuring his father to disclose his whereabouts. He is aware that his father was taken away and predicts he may have been imprisoned. He says he escaped by car to Pakistan and was smuggled by air to Australia.