

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 168/07

Personal details

1. Mr X is aged approximately 27 and is a citizen of Afghanistan. He is a Shi'a Muslim of Hazara ethnicity.

Detention history

2. Mr X was detained from October 1999 until August 2000 and September 2003 until December 2005, when he was granted a permanent Protection Visa (PV).

Visa applications

3. Mr X arrived in Australia by boat in October 1999 and was granted a Temporary Protection Visa in August 2000. The Department (DIAC) subsequently received information that he was a Pakistani national and cancelled his visa in August 2003. The DIAC decision to refuse him a PV in December 2003 was affirmed by the Refugee Review Tribunal and judicial review.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N of the *Migration Act 1958* is dated 13 September 2005.
5. Ombudsman staff considered a range of documents related to Mr X and he declined a request to be interviewed.

Key issues

Nationality

6. In April and June 2005, Mr X was interviewed by Afghani and Pakistani authorities, and in June 2005, the Embassy of the Islamic Republic of Afghanistan confirmed him to be an Afghan national. This information led to the Minister granting Mr X a PV.

Ombudsman assessment/recommendation

7. The Ombudsman notes that Mr X is now the holder of a permanent PV and makes no recommendations.



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Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman

23 May 2007

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Date