

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 444/08

Case overview


1. Mr X is aged 21 and is a citizen of Iran.
2. Mr X arrived in Australia in March 2005 as an unauthorised air arrival. He was detained under s 189(1) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre (IDC). The following day (10 March 2005) Mr X was transferred to Baxter IDC. On 11 April 2005 he was placed in Alternative Detention under foster care and in Community Detention.
3. The Department's (DIAC) decision to refuse Mr X's application for a permanent Protection Visa (PV) in April 2005 was affirmed by the Refugee Review Tribunal in October 2005. Mr X unsuccessfully sought judicial review at the Federal Court. A request under s 48B resulted in the Minister allowing Mr X to apply for another PV, and on 10 January 2008 Mr X was granted a Temporary Protection Visa (TPV) and released from detention.

Ombudsman consideration

4. DIAC's reports to the Ombudsman under s 486N are dated 30 March 2007 and 30 August 2007.
5. Ombudsman staff interviewed Mr X on 30 May 2008.

Ombudsman assessment/recommendation

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


.....
Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman

15 July 2008
.....
Date