

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 285/07

Case overview

1. Mr X is aged 43 and is a citizen of Iran.
2. Mr X arrived in Australia in August 2001 as an unauthorised and undocumented air arrival. He was detained under s 189(2) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a permanent Protection Visa (PV) in April 2002 was affirmed by the Refugee Review Tribunal (RRT) in June 2002. He sought judicial review at the Federal Magistrates Court (FMC) and Full Federal Court. The FMC remitted his case to the RRT who set-aside the decision and remitted it to DIAC for reconsideration. On 19 September 2005 Mr X was granted a Temporary Protection Visa (TPV) and released from detention. On 16 November 2006 he was granted a PV.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 14 September 2005.
5. Ombudsman staff were unable to contact Mr X to interview him.

Ombudsman assessment/recommendation

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



Prof. John McMillan
Commonwealth and Immigration Ombudsman



Date