

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 314/07

Case overview

1. Mr X is aged 43 and is a citizen of Iran.
2. Mr X arrived in Australia in December 2000 by boat. He was detained under s 189(2) of the *Migration Act 1958* and placed at Curtin Immigration Reception and Processing Centre. In September 2002, 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 (RRT) in May 2001. In April 2002, the Federal Court remitted the case to the RRT. The RRT again affirmed the decision in September 2002 and judicial review at the Federal Magistrates Court and Full Federal Court was unsuccessfully sought.
4. A s 48B request resulted in the Minister allowing Mr X to lodge another PV application. On 4 August 2005 Mr X was granted a Temporary Protection Visa (TPV) and was released from detention.

Ombudsman consideration

5. DIAC's report to the Ombudsman under s 486N is dated 15 December 2005.
6. Ombudsman staff were unable to contact Mr X to interview him.

Ombudsman assessment/recommendation

7. 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