

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 298/07

Case overview

1. Mr X is aged 42 and is a citizen of Pakistan.
2. Mr X arrived in Australia by boat in December 1999, was detained under s 189(2) of the *Migration Act 1958* at Woomera Immigration Reception and Processing Centre and later transferred to Villawood Immigration Detention Centre (IDC) and Baxter IDC. On 4 October 2005 Mr X was granted a Removal Pending Bridging Visa and released from detention.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in October 2000 was affirmed by the Refugee Review Tribunal (RRT) in December 2000. Mr X unsuccessfully sought judicial review at the Federal Court, Full Federal Court and High Court. A request under s 48B resulted in the Minister allowing Mr X to apply for another PV in November 2006. DIAC refused his application and he successfully appealed to the RRT. On 14 June 2007 he was granted a Temporary Protection Visa (TPV).

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 19 August 2005.
5. Ombudsman staff interviewed Mr X on 23 September 2005.
6. Ombudsman staff sighted a s 417/48B submission to the Minister dated 8 October 2005.

Key issues

Attitude to removal

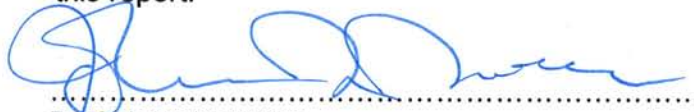
7. At interview with Ombudsman staff Mr X said that if returned to Pakistan he feared further persecution and torture at the hands of the police and his wife's Muslim family. He said that the Mullahs had issued a fatwa on him for being an apostate.

Provision of information to the Australian Federal Police (AFP)

8. Mr X stated that he travelled to Indonesia on legitimate grounds to take up a job offer in Jakarta. He became aware of illegal activities of his employer and approached the Australian Embassy and provided information to the AFP about a people-smuggling operation of his employer. In return for the information he received a small sum of money and understood that the Australian official he had contacted would assist him migrate to Australia. He now feels that the official did not honour the commitment to assist him to migrate to Australia.
9. Mr X told Ombudsman staff that AFP officers visited him on at least six occasions after he arrived in Australia, to elicit further information about the people smugglers in Indonesia. The DIAC submission to the Minister noted *'The AFP has confirmed that the assistance Mr X provided to the AFP was not the kind that would justify the provision of a statement of support'*.

Ombudsman assessment/recommendation

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


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Prof. John McMillan
Commonwealth and Immigration Ombudsman


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Date