

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 268/07

Case overview

1. Mr X is aged approximately 34 and is a citizen of Afghanistan.
2. Mr X arrived in Australia by boat in June 2001. He was detained under s 189(2) of the *Migration Act 1958* and placed at the Woomera Immigration Reception and Processing Centre. He was later transferred to Baxter Immigration Detention Centre. In May 2003 Mr X was sentenced to 11 months imprisonment for escaping from immigration detention and damage to property.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in March 2002 was affirmed by the Refugee Review Tribunal in June 2002. He unsuccessfully sought judicial review at the Federal Court and Federal Magistrates Court. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV claim and on 4 July 2005 he was granted a Temporary Protection Visa (TPV) and released from detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 13 December 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 TPV and makes no recommendations in this report.



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Prof. John McMillan
Commonwealth and Immigration Ombudsman



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Date