

# REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

*Under s 486O of the Migration Act 1958*

*Personal identifier: 276/07*

## Case Overview

1. Mr X is aged approximately 32 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 (IRPC). He was later transferred to Curtin IRPC and Baxter Immigration Detention Centre.
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 (RRT) 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, which was subsequently refused. Mr X sought merits review at the RRT and on 6 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.

  
.....  
Prof. John McMillan  
Commonwealth and Immigration Ombudsman

  
.....  
Date