

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

Under s 486O of the Migration Act 1958

Personal identifier: 308/07

Case overview

1. Mr X is aged 24 and is a citizen of Sri Lanka of Tamil ethnicity.
2. Mr X arrived in Australia in November 2001 as an unauthorised air arrival, was detained under s 189(1) of the *Migration Act 1958* and placed at Perth Immigration Detention Centre (IDC). He was later transferred to Port Hedland Immigration Reception and Processing Centre and then Baxter IDC. On 12 October 2005 Mr X was granted a Removal Pending Bridging Visa and released from detention.
3. The Department's (DIAC) decision in June 2002 to refuse Mr X's application for a Protection Visa (PV) was affirmed by the Refugee Review Tribunal in August 2002. He unsuccessfully sought judicial review at the Federal Magistrates Court and Full Federal Court. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV application, and on 28 April 2006 he was granted a Temporary Protection Visa (TPV).

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 30 August 2005.
5. Ombudsman staff interviewed Mr X on 23 September 2005.

Key issues

Attitude to removal

6. At interview Mr X said that young people in his area of Sri Lanka were targeted for recruitment by the Liberation Tigers of Tamil Eelam (LTTE), which exposed them to claims by the Sri Lankan Army that they were LTTE collaborators. He feared that if he was returned to Sri Lanka he would be persecuted on the basis of his identity as a Tamil non-combatant.

Ombudsman assessment/recommendation

7. 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