

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 175/07

Personal details

1. Ms X is aged 45, Mr Y is aged 50 and Master Z is aged 10. They are citizens of the People's Republic of China (PRC). The family has two adult daughters.

Detention history

2. The X/Y family were detained from November 2004 until November 2006 when they were granted permanent Protection Visas (PVs).

Visa applications

3. The Department's (DIAC) initial decision to refuse Mr Y and Master Z PVs was affirmed by the Refugee Review Tribunal (RRT) in June 2002. Judicial review was sought and the Federal Magistrates Court quashed the RRT's decision. The RRT re-heard the matter and set aside the original DIAC decision. DIAC reconsidered the matter and the family were granted permanent PVs.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N of the *Migration Act 1958* is dated 14 November 2006. Ombudsman staff interviewed Ms X and Mr Y on 20 December 2006.


Key issues


Health and welfare

5. At interview Mr Y advised that since being in detention his memory has deteriorated, he has trouble sleeping and is on anti-depressant medication. Ms X said that since being in detention she also suffers from sleeping difficulties and nightmares.

Ombudsman assessment/recommendation

6. The Ombudsman notes that the X/Y family are now the holders of permanent PVs and makes no recommendations.


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Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman


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Date