

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 176/07

Personal details

1. Mr X is aged 51 and is a citizen of the People's Republic of China (PRC). Mr X told Ombudsman staff at interview that his mother and elder brother live in Hong Kong, his wife and three children live in the PRC, and he has an uncle in Canada.

Detention history

2. Mr X was detained from March 2004 until September 2006 when he was granted a Bridging Visa.

Visa applications

3. Mr X entered Australia on a Short Stay Business Visa in July 2002. The Department's (DIAC) decision to refuse his initial application for a Protection Visa (PV) in August 2002 was affirmed by the Refugee Review Tribunal and by judicial review. Mr X was granted a permanent PV on 17 October 2006.

Ombudsman consideration

4. The DIAC reports to the Ombudsman under s 486N of the *Migration Act 1958* were dated 28 March 2006 and 13 September 2006.
5. Ombudsman staff considered a range of documents related to Mr X and interviewed him in April 2006.

Key issues

Detention issues

6. The DIAC Ministerial submission on the PRC delegation cases notes that the interview of Mr X by the PRC delegation was a factor in the decision to allow Mr X to lodge a new PV application.

Ombudsman assessment/recommendation

7. The Ombudsman notes that Mr X is now the holder of a PV and makes no recommendations.

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Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman

23 May 2007
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Date