

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

Under s 486O of the Migration Act 1958

Personal identifier: 442/08

This is the second s 486O report by the Ombudsman on Mr X as he had remained in immigration detention following the Ombudsman's first report (366/08). The Ombudsman's first report was sent to the Minister on 14 February 2008 and tabled in Parliament on 14 May 2008. This report updates the material in that report and should be read in conjunction with it.

Case overview


1. After the Full Federal Court (FFC) remitted the Protection Visa (PV) refusal to the Refugee Review Tribunal (RRT) (June 2007), the Department (DIAC) applied to the High Court (HC) for special leave to appeal the FFC decision (July 2007). DIAC initiated a request under s 195A of the *Migration Act 1958* which was assessed as not meeting the guidelines for referral to the Minister (October 2007). Following legal advice, DIAC withdrew its application to the HC and the PV decision was referred to the RRT for reconsideration (December 2007). The RRT set aside the decision and the PV refusal was remitted to DIAC with directions (April 2008). Mr X was granted a Permanent Protection Visa (PPV) and was released from immigration detention on 6 May 2008.

Ombudsman consideration

2. DIAC's further report to the Ombudsman under s 486N is dated 6 May 2008.

Ombudsman assessment/recommendation

3. The Ombudsman notes that Mr X is now the holder of a PPV and makes no recommendations in this report.


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Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman

15 July 2008
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Date