

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 445/08

Case overview


1. Mr X is aged 25 and is a citizen of Tanzania. Mr X's father and sister live in Tanzania.
2. Mr X arrived in Australia as a stowaway in February 2006. He was detained under s 189(1) of the *Migration Act 1958* and placed at Perth Immigration Detention Centre (IDC). Mr X was transferred to Villawood IDC in May 2006 and to Sydney Immigration Residential Housing in January 2008.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa in June 2006 was affirmed by the Refugee Review Tribunal (RRT) in October 2006. Mr X sought judicial review of the RRT decision (November 2006), discontinued appeal (February 2007); lodged request under s 417 (March 2007); DIAC initiated a request under s 197AB (August 2007); guidelines not met for s 417 request, referred to Minister on a schedule, further information requested, s 417 submission forwarded to Minister (October 2007); on 17 April 2008 the Minister granted Mr X a five year Resident Return Visa (RRV) and released him from detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 18 February 2008.
5. Mr X declined to be interviewed by Ombudsman staff.

Ombudsman assessment/recommendation

6. The Ombudsman notes that Mr X is now the holder of a RRV 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