

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 481/08

Case overview

1. Mr X is aged 59 and is a citizen of Pakistan.
2. Mr X arrived in Australia by boat in September 1985. On 7 April 2004, he was detained under s 189(1) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre.
3. On arrival in Australia Mr X was granted a one-day temporary entry permit, did not depart after its expiration; applied for an extended eligibility temporary entry visa (April 1990), refused (September 1990); applied for permanent Protection Visa (PV) (August 1991); applied for a special (permanent) entry permit (May 1994), BV granted (September 1994); application for special (permanent) entry permit assessed as inadmissible (November 1994); PV application refused (March 1998); Refugee Review Tribunal (RRT) affirmed decision (January 2000); BV granted (May 2000); joined Muin/Le class action in the High Court (HC), HC ordered class action be remitted to the Federal Court (November 2002), BV granted (May 2003); class action dismissed (February 2004); BV granted (March 2004), lodged combined s 417/48B request (March 2004), s 48B request assessed as not meeting the guidelines for referral to the Minister (March 2004); BV cancelled (April 2004); application lodged for further BV, refused (April 2004); s 417 request included on a schedule, Minister declined to intervene (May 2004); Migration Review Tribunal (MRT) affirmed decision (May 2004); review of January 2000 RRT decision sought at Federal Magistrates Court (FMC) (June 2004); lodged s 417 request, deemed inappropriate to consider (June 2004); BV application lodged, refused; MRT affirmed decision (November 2004); FMC application dismissed for non-compliance (February 2005), leave sought to appeal to Full Federal Court (FFC) (May 2005); lodged s 417 request, deemed inappropriate to consider (July 2005); applied for BV (July 2005), BV application withdrawn, FMC orders set aside by consent with FFC and remitted (August 2005); FMC dismissed the application, BV application made and withdrawn (November 2005).
4. Mr X lodged a further s 417 request (December 2005); BV granted resulting in his release from detention on 30 June 2006; on 11 December 2006 the Minister intervened under s 417 and granted Mr X a PV.

Ombudsman consideration

5. The Department's (DIAC) report to the Ombudsman under s 486N is dated 21 April 2006.
6. Ombudsman staff interviewed Mr X on 29 September 2006.

Ombudsman assessment/recommendation

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


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Prof. John McMillan

Commonwealth and Immigration Ombudsman


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Date