

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 490/08

This is the fourth s 486O report by the Ombudsman on Mr X as he had remained in immigration detention following the Ombudsman's combined second and third report. The Ombudsman's first report (142/07) was sent to the Minister on 23 April 2007 and tabled in Parliament on 13 June 2007. The Ombudsman's combined second and third report (398/08) was sent to the Minister on 4 April 2008 and tabled in Parliament on 14 May 2008. This report updates the material in those reports and should be read in conjunction with them.

Case Overview

Visa applications


1. Mr X had an outstanding combined request under s 417/48B of the *Migration Act 1958* (August 2007), the s 417 request was assessed as not meeting the guidelines for referral to the Minister, the s 48B request was referred to the Minister and considered as part of the Minister's review of long term detainees (May 2008), decision made to lift the bar under s 48B and to place Mr X in Community Detention; Mr X lodged a permanent Protection Visa (PV) application and associated Bridging Visa (BV) application, BV application withdrawn (May 2008), PV refused (June 2008); appealed to the Refugee Review Tribunal (RRT) (June 2008). On 20 June 2008 Mr X was placed in Community Detention. The RRT set aside the PV refusal decision (September 2008) and remitted the application to the Department (DIAC). On 9 September 2008, Mr X was granted a PV and released from detention.


Ombudsman consideration

2. DIAC's further report to the Ombudsman under s 486N is dated 20 June 2008.

Ombudsman assessment/recommendation

3. 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