

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 491/08

This is the third s 486O report by the Ombudsman on Mr X as he had remained in immigration detention following the Ombudsman's combined first and second report (435/08). The Ombudsman's report was sent to the Minister on 9 May 2008 and tabled in Parliament on 4 June 2008. This report updates the material in that report and should be read in conjunction with it.

Case overview

1. Mr X's case was included in the Minister's review of long term detainees (May 2008). On 7 May 2008 the Minister declined to consider Mr X's case as the Department (DIAC) had not confirmed his identity.
2. Mr X's identity was confirmed in June 2008; a s 417 request under the *Migration Act 1958* was initiated and met the guidelines, a first stage submission was referred to the Minister and the Minister agreed to consider granting Mr X a permanent Spouse Visa (SV) subject to health and character checks (July 2008). On 18 September 2008 the Minister granted Mr X a SV and he was released from detention.

Ombudsman consideration

3. DIAC's further report to the Ombudsman under s 486N is dated 31 July 2008.

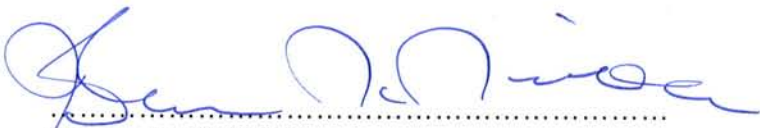
Key issues

Community links

4. Mr X resides with his Australian-citizen partner, her children and their baby son, who was born in May 2008.

Ombudsman assessment/recommendation

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


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Prof. John McMillan
Commonwealth and Immigration Ombudsman


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Date