

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 324/07*

## Case overview


1. Mr X is aged 38, Ms Y is aged 36 and their daughter Miss Z is aged four. They are citizens of the People's Republic of China (PRC).
2. Mr Li and Ms Y arrived in Australia in November and December 2001 respectively on Short Stay Visas, using false Democratic People's Republic of Korea passports. They were granted Bridging Visas that ceased in November 2002. Miss Z was born on 18 March 2003 and two days later the family was detained under s 189(1) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre (IDC). On 14 July 2004 they were transferred to Baxter IDC and three days later, Ms Y and Miss Z were transferred to Port Augusta Immigration Residential Housing. In July 2005 the whole family were placed in Community Detention.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in February 2002 was affirmed by Refugee Review Tribunal (RRT) in November 2002. DIAC's decision to refuse Ms Y's application for a PV in February 2002 was affirmed by the RRT in July 2003. DIAC's decision to refuse Miss Z's application for a PV in July 2005 was affirmed by the RRT in September 2005. A request under s 48B resulted in the Minister allowing Miss Z to apply for another PV. DIAC refused Miss Z's application and she successfully appealed to the RRT, who remitted her application to DIAC for reconsideration. On 18 November 2005 Miss Z was granted a Temporary Protection Visa (TPV). A request under s 417 resulted in the Minister granting Mr X and Ms Y TPVs on 18 May 2006 and being released from detention.

## Ombudsman consideration

4. DIAC's reports to the Ombudsman under s 486N are dated 30 August 2005 and 11 January 2006.
5. Ombudsman staff interviewed Mr X and Ms Y on 21 February 2006.

## Ombudsman assessment/ recommendation

6. The Ombudsman notes that Mr X, Ms Y and Miss Z are now the holders of TPVs and makes no recommendations in this report.

  
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Prof. John McMillan  
Commonwealth and Immigration Ombudsman

  
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Date