

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 248/07

Case overview

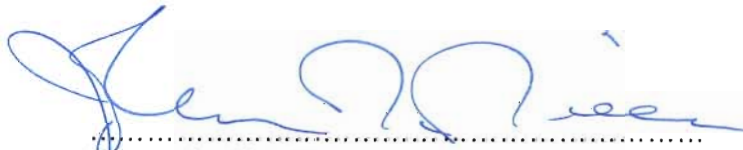
1. Mr X is aged 53 and is a citizen of the People Republic of China.
2. Mr X arrived in Australia on a Short Stay Business Visa on 18 August 1998 and was granted a Bridging Visa (BV) in September 1998. In April 2002 he was detained under s 189(1) of the *Migration Act 1958* as a BV over-stayer and placed at Villawood Immigration Detention Centre (IDC). In June 2002 he was granted a BV and released from detention. Mr X was re-detained in January 2005 as a BV over-stayer and placed at Villawood IDC.
3. The Department's (DIAC) decision to refuse Mr X's initial application for a permanent Protection Visa (PV) in November 1998 was affirmed by the Refugee Review Tribunal (RRT) in June 1999. He unsuccessfully sought judicial review in the Federal Magistrates Court (September 2005) and the Full Federal Court (March 2006). On 5 April 2007 Mr X was granted a PV and released from detention.

Ombudsman consideration

4. The DIAC report to the Ombudsman under s 486N is dated 21 November 2006.
5. Ombudsman staff interviewed Mr X on 13 February 2007.

Ombudsman assessment/recommendation

6. 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

2 November 2007
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Date