

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 254/07*

## Case overview

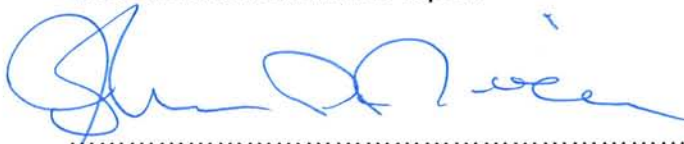
1. Mr X is aged 48 and is a citizen of the People's Republic of China.
2. Mr X entered Australia on a Short Stay Business Visa in August 2001 and was granted a Bridging Visa (BV) in September 2001. He was detained under s 189(1) of the *Migration Act 1958* as a BV over-stayer on 3 February 2004 and placed at Villawood Immigration Detention Centre. In April 2006 he was granted a BV and was released from detention.
3. The Department's (DIAC) decision to refuse Mr X's application for a permanent Protection Visa (PV) in December 2001 was affirmed by the Refugee Review Tribunal (RRT) in January 2003. Mr X unsuccessfully sought judicial review at the Federal Magistrates Court (February 2005) and the Full Federal Court (September 2005). On 3 October 2006 Mr X was granted a PV.

## Ombudsman consideration

4. The DIAC report to the Ombudsman under s 486N is dated 22 February 2006.
5. Ombudsman staff interviewed Mr X by telephone on 1 November 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.



Prof. John McMillan  
Commonwealth and Immigration Ombudsman

2 November 2007  
Date