

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 292/07

Case Overview

1. Mr X is aged 39 and is a citizen of Korea.
2. Mr X entered Australia on a Visitor Visa (VV) in November 2001. In January 2003 he was detained under s 189(1) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre. Mr X admitted to using a false passport and provided his correct identity as Mr Y. For the sake of consistency, he is referred to in the report as Mr X. On 18 July 2005 he was granted a Bridging Visa.
3. The Department's (DIAC) decision to refuse Mr X's application for a permanent Protection Visa (PV) in June 2005 was remitted to DIAC for reconsideration in July 2005 by the Refugee Review Tribunal. On 6 March 2006 Mr X was granted a PV.

Ombudsman consideration

4. The DIAC report to the Ombudsman under s 486N is dated 26 October 2005.
5. Mr X declined to be interviewed by Ombudsman staff.

Key issues

Information provided to the Embassy of the Democratic People's Republic of Korea (DPRK)

6. The Ombudsman's office investigated a complaint made by the Refugee and Casework Service on behalf of Mr X. The DIAC response of May 2006 resulted in an apology to Mr X.
7. In July 2006 the Ombudsman's office recorded a finding of administrative deficiency in relation to aspects of DIAC's handling of Mr X's case. In particular, DIAC provided personal information to the DPRK Embassy about Mr X. Given that Mr X had expressed an intention to lodge a PV claim, the Ombudsman's office found it inappropriate in the circumstances for Mr X's information to be provided to the Embassy.

Ombudsman assessment/recommendation

8. 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

19 November 2007
Date