

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 247/07

This is the second s 486O report by the Ombudsman on Mr X as he has remained in immigration detention following the Ombudsman's first report (141-07). The Ombudsman's first report was sent to the Minister on 18 April 2007 and tabled in Parliament on 13 June 2007. This report updates the material in that report and should be read in conjunction with it.

Case overview

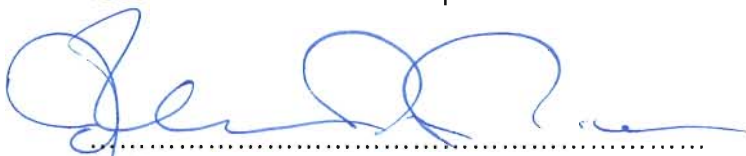
1. Mr X is aged 39 and is a citizen of the People's Republic of China.
2. Mr X entered Australia on a Short Stay Tourist Visa in April 1998 and was granted a Long Stay Tourist Visa (LSTV) in July 1998. He was detained under s 189(1) of the *Migration Act 1958* as a LSTV over-stayer in December 2004 and placed at Villawood Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a permanent Protection Visa (PV) in April 2006 was affirmed by the Refugee Review Tribunal in June 2006. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV application in June 2007. On 19 July 2007 Mr X was granted a PV and released from detention.

Ombudsman consideration

4. DIAC's further report to the Ombudsman under s 486N is dated 30 May 2007.
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.



Prof. John McMillan
Commonwealth and Immigration Ombudsman

2 November 2007
Date