

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 259/07*

## Case overview

1. Mr X is aged 37<sup>1</sup> and is a citizen of the People's Republic of China (PRC). His partner Ms Y and their children reside in Australia (they are the subject of Report 258/07).
2. In December 1996 Mr X arrived in Australia on a short stay Tourist Visa on a false South Korean Passport. In January 1999 Mr X was located by Departmental (DIAC) compliance officers, and detained under s 189(1) of the *Migration Act 1958* as a Bridging Visa over-stayer and placed at Villawood Immigration Detention Centre (IDC). He escaped in April 1999 and was recaptured in July 2002 and again placed at Villawood IDC. In December 2005 Mr X was placed with his family in Community Detention.
3. DIAC's decision to refuse Mr X's application for a Protection Visa in April 1997 was affirmed by the Refugee Review Tribunal in June 1998. A request under s 417 resulted in the Minister granting Mr X a Temporary Protection Visa (TPV) on 30 May 2007 and he was released from detention.

## Ombudsman consideration

4. The DIAC reports to the Ombudsman under s 486N are dated 20 September 2005, 10 January 2006, 11 July 2006 and 29 December 2006.
5. Ombudsman staff interviewed Mr X on 21 February 2006.

## Ombudsman assessment/recommendation

6. The Ombudsman notes that Mr X is now the holder of a TPV and makes no recommendations in this report.



Prof. John McMillan  
Commonwealth and Immigration Ombudsman

  
Date

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<sup>1</sup> During the interview with Ombudsman staff, Mr X claimed to have been born in November 1966.