

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 271/07

Case overview

1. Mr X is aged 37 and is a citizen of the People's Republic of China (PRC). Mr X claims that his parents, wife and son, aged nine, live in the PRC.
2. In November 2004 Mr X arrived in Australia on a Business Visa. He overstayed his visa and in June 2005 he was detained under s 189(1) of the *Migration Act 1958* and was placed at Villawood Immigration Detention Centre (IDC).
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa in June 2005 was affirmed by the Refugee Review Tribunal in August 2005. He unsuccessfully sought judicial review at the Federal Magistrates Court and Full Federal Court. Mr X was removed from Australia and returned to the PRC on 24 July 2007.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 1 June 2007.
5. Ombudsman staff interviewed Mr X on 5 July 2007 at Villawood IDC.

Key issues

Health and welfare

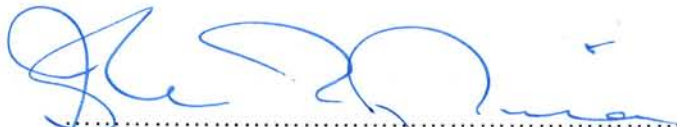
6. At interview Mr X said that he had not been sleeping well, felt stressed and sometimes thought of killing himself.

Attitude to removal

7. Mr X said that he feared being returned to the PRC and provided a document that he claimed was a warrant for his arrest issued by the People's Security Bureau in relation to his Falun Gong activities. Mr X also said that he has become a committed Christian.

Ombudsman assessment/recommendation

8. The Ombudsman notes that Mr X was removed from Australia and makes no recommendations in this report.


Prof. John McMillan
Commonwealth and Immigration Ombudsman


Date