

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 253/07*

## **Case overview**

1. Mr X is aged 26 and is a citizen of the People's Republic of China.
2. Mr X arrived in Australia on a Temporary Student Visa (TSV) in June 1999. In September 2001 his TSV was cancelled for failure to complete two courses due to poor attendance. In May 2004 he was detained under s189 (1) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre (IDC), and was later transferred to Baxter IDC.
3. The Department's (DIAC) decision to refuse Mr X's initial application for a permanent Protection Visa (PV) in May 2005 was affirmed by the Refugee Review Tribunal in August 2005. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV application in June 2007. On 25 July 2007 Mr X was granted a PV and released from detention.

## **Ombudsman consideration**

4. The DIAC reports to the Ombudsman under s 486N are dated 5 June 2006, 26 November 2006 and 17 May 2007.
5. Ombudsman staff interviewed Mr X on 23 August 2006.

## **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