

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 325/07

Case overview


1. Ms X is aged 50 and is a citizen of the People's Republic of China (PRC). Ms X's husband and son live in the PRC.
2. Ms X entered Australia in April 2005 on a Short Stay Business Visa. She was refused immigration clearance at the airport, her visa was cancelled under s 116 of the *Migration Act 1958* and she was detained under s 189. Ms X was placed at Villawood Immigration Detention Centre (IDC) and at a later date was transferred to Baxter IDC and then Port Augusta Immigration Residential Housing.
3. The Department's (DIAC) decision to refuse Ms X's application for a Protection Visa (PV) in May 2005 was affirmed by the Refugee Review Tribunal in September 2005. She unsuccessfully sought judicial review at the Federal Court and Full Federal Court. A request under s 48B resulted in the Minister allowing Ms X to lodge another PV application. On 30 April 2007 Ms X was granted a Temporary Protection Visa (TPV) and released from detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 17 April 2007.
5. Ombudsman staff contacted Ms X by telephone on 2 October 2007, however she declined to discuss her experiences in detention.

Ombudsman assessment/recommendation

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


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Prof. John McMillan
Commonwealth and Immigration Ombudsman


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Date