

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 250/07

Case overview


1. Mr X is aged 52 and is a citizen of People's Republic of China. He has a sister who is an Australian citizen.
2. Mr X entered Australia on a Short Stay Business Visa in February 1997 and was granted a Bridging Visa (BV) in February 1997. He was detained under s 189(1) of the *Migration Act 1958* as a BV over-stayer on 23 June 2005 and placed at Villawood Immigration Detention Centre. On 12 June 2007 he was transferred to Sydney Immigration Residential Housing.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa in June 1997 was affirmed by the Refugee Review Tribunal in September 1998. He unsuccessfully sought judicial review at the Federal Magistrate's Court in November 2005. A request under s 417 resulted in the Minister granting Mr X a permanent Employer Nomination Scheme Visa (ENSV) on 27 July 2007 and releasing him from detention.

Ombudsman consideration

4. The DIAC report to the Ombudsman under s 486N is dated 15 June 2007.
5. Ombudsman staff interviewed Mr X on 6 July 2007.

Ombudsman assessment/recommendation

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



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Prof. John McMillan
Commonwealth and Immigration Ombudsman



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Date