

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

Under s 486O of the Migration Act 1958

Personal identifier: 251/07

Case overview

1. Mr X is aged 48 and is a citizen of the People's Republic of China (PRC). He claims he has a wife and an intellectually disabled son aged 22, living in the PRC.
2. Mr X entered Australia on a Short Stay Business Visa in August 1997 and was granted a Bridging Visa (BV) in September 1997. He was detained under s 189(1) of the *Migration Act 1958* as a BV over-stayer on 29 June 2005 and placed at Villawood Immigration Detention Centre.
3. The Department's (DIAC) decision to refuse Mr X's application for a permanent Protection Visa (PV) in October 1997 was affirmed by the Refugee Review Tribunal in February 1999. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV application in July 2007. On 21 August 2007 Mr X was granted a PV and released from detention.

Ombudsman consideration

4. The DIAC report to the Ombudsman under s 486N is dated 25 June 2007.
5. Ombudsman staff interviewed Mr X on 4 July 2007.

Ombudsman assessment/recommendation

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



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Prof. John McMillan
Commonwealth and Immigration Ombudsman



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Date