

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 341/07*

1. Mr X is aged 37. His son, Master Y is aged nine and was born in Australia. Both are citizens of Indonesia. Mr X also has a daughter, Ms Z, aged 18, who lives with him and is not a subject of this report. Mr X's wife, Ms A, resides in Indonesia and they are only separated due to her father's illness.
2. Mr X arrived in Australia on a Student Visa in December 1997. Ms A arrived in 1993. In January 2005 the X family were granted Bridging Visas (BV). In March 2005, they were detained under s 189(1) of the *Migration Act 1958* and placed at Villawood Immigration Detention Centre (IDC). In July 2005 Ms Z was granted a BV and released from detention. In the same month the remaining family members were placed in Community Detention. In May 2006 Ms A was removed to Indonesia at her request to care for her father.
3. The Department's (DIAC) decision in April 1998 to refuse Ms A, Mr X and Master Y's application for a permanent Protection Visa (PV) was affirmed by the Refugee Review Tribunal (RRT) in November 1999. Ms A unsuccessfully filed an application in the Federal Court on behalf of Master Y claiming that by virtue of his birth in Australia he should be entitled to citizenship. She unsuccessfully sought judicial review at the Full Federal Court. DIAC's decision in July 2005 to refuse Mr X and Master Y's application for a PV was affirmed by the RRT in March 2006. A s 417 request resulted in the Minister granting Mr X and Master Y Global Special Humanitarian Visas (GSHV) on 25 October 2007.

## **Ombudsman consideration**

4. The DIAC reports to the Ombudsman under s 486N for Mr X and Master Y are dated 13 March 2007 and 27 August 2007.
5. Ombudsman staff interviewed Mr X on 5 July 2007.

## **Ombudsman assessment/recommendation**

6. The Ombudsman notes that Mr X and Master Y are now the holders of GSHVs and makes no recommendations in this report.



Prof. John McMillan  
Commonwealth and Immigration Ombudsman



Date