

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

Under s 486O of the Migration Act 1958

This is the second s 486O report on Ms X who has remained in immigration detention for more than 36 months (three years).

The first report 1003180 was tabled in Parliament on 3 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X
Citizenship	Country A
Year of birth	1998
Ombudsman ID	1001936-O
Date of DIBP's reports	27 January 2016 and 25 July 2016
Total days in detention	1096 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003180), Ms X has remained in community detention.
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Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Ms X of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering her protection claims.
29 July 2015	Ms X was notified that she was eligible to receive the Primary Application Information Service to assist her with lodging a temporary visa application. She accepted the offer on 30 July 2015 and was assigned a provider.
5 November 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
10 December 2015	The Minister intervened under s 197AD of the <i>Migration Act 1958</i> and varied Ms X's community detention address to allow her to reside closer to her sister.

¹ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

Health and welfare

<p>International Health and Medical Services (IHMS) reported that Ms X continued to be monitored and treated for significant mental health issues related to her history of torture and trauma, an adjustment disorder, post-traumatic stress disorder, depression and anxiety.</p> <p>IHMS advised that Ms X's mental state and mood fluctuates and she was placed on a mental health care plan by a general practitioner (GP) after reporting disturbed sleep and an increase in stress from her school workload. She required extra support and hospital treatment after domestic violence incidents with her estranged husband and DIBP Incident Reports recorded multiple threats of self-harm and behavioural issues related to her frustrations associated with prolonged detention. She underwent two mental health assessments at hospital after violent outbursts and threats to harm community detention service provider staff, other unaccompanied minor detainees at her residence and herself. Ms X is supported by a GP as needed and attends regular psychological counselling sessions.</p> <p>IHMS further advised that Ms X was diagnosed with asthma in October 2015 after being admitted to hospital with breathing difficulties. She was prescribed with medication and placed on an asthma care plan.</p>	
29 July 2015 – 6 December 2015	DIBP Incident Reports recorded that Ms X threatened self-harm on four occasions.

Other matters

2 September 2015	<p>Ms X filed a police report about an alleged altercation with her estranged husband, Mr Y and he was issued an Interim Apprehended Violence Order.</p> <p>The charges against Mr Y were withdrawn on 3 December 2015 and he was ordered not to contact Ms X for six months.</p>
6 July 2016	Ms X was allegedly sexually assaulted by Mr Y. She was taken to hospital for treatment and on 11 July 2016 an Interim Intervention Order was issued against Mr Y.

Case status

<p>Ms X was detained on 25 July 2013 after arriving in Australia by sea as an unaccompanied minor aged 15. She has been held in detention for over three years.</p> <p>On 30 June 2015 the Minister lifted the bar under s 46A to allow Ms X to apply for a temporary visa and on 5 November 2015 Ms X lodged a SHEV application.</p>
