

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

Under s 486O of the Migration Act 1958

This is the fifth s 486O report on Ms X who remained in immigration detention for a cumulative period of more than 48 months (four years). The previous reports are:

1001300 tabled in Parliament on 28 May 2014
1001534 tabled in Parliament on 25 February 2015
1001998 tabled in Parliament on 9 September 2015
1003154 tabled in Parliament on 16 March 2016.

This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Ms X
Citizenship	Country A
Year of birth	1981
Ombudsman ID	1001912-O
Date of DIBP's report	29 January 2016

Recent detention history

30 March 2016	Granted a Bridging visa and released from Brisbane Immigration Transit Accommodation with her 12-month-old son, who was living with her as an onsite visitor since his birth in August 2015.
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Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that Ms X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC), which found that the International Treaties Obligation Assessment (ITOA) process undertaken by DIBP was procedurally unfair.

The Minister appealed the FFC decision and on 27 July 2016 the High Court (HC) found that the ITOA process was not procedurally unfair.

Other matters

11 January 2016	An assault charge against Ms X was dismissed. She was scheduled to appear at the Brisbane Magistrates Court in relation to another charge of Attempting to Pervert the Course of Justice.
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Health and welfare

Ms X was provided with treatment for a range of physical health issues including epilepsy, asthma and sleep apnoea.

International Health and Medical Services advised that Ms X had no chronic or major acute mental health problems. However, a DIBP Incident Report noted that she self-harmed with a piece of mirror on 11 January 2016.

Case status

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion.

Ms X was granted a Bridging visa on 30 March 2016 and released from immigration detention.