

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 restricted immigration detention for more than 30 months (two and a half years).

The first report 1002405 was tabled in Parliament on 14 September 2015. 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	1987
Ombudsman ID	1003480
Date of DIBP's report	7 October 2015
Total days in detention	912 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002405), Ms X and her family¹ have remained at Wickham Point Alternative Place of Detention.

Recent visa applications/case progression

14 August 2015	Protection visa application refused.
25 August 2015	Appealed to the Administrative Appeals Tribunal.
7 October 2015	The Department of Immigration and Border Protection (DIBP) advised that Ms X and her family were being considered for referral to the Minister under ss 195A and 197AB of the <i>Migration Act 1958</i> for consideration of a Bridging visa or community detention placement.
24 February 2016	Further information provided by DIBP advised that Ms X and her family were being considered for referral to the Minister under s 197AB for consideration of a community detention placement.

Health and welfare

International Health and Medical Services (IHMS) advised that Ms X has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

14 September 2015	IHMS advised that Ms X's gestational diabetes was resolved, but she would require a final blood test in May 2016.
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¹ Ms X's husband, Mr Y, arrived in Australia aboard Suspected Illegal Entry Vessel *Biscayne* on 17 March 2013 and is the subject of Ombudsman report 1003492. Ms X and Mr Y's child, Master Z, was born in Australia in April 2015. He has been in detention for less than two years and is not subject to reporting under s 486N.

Other matters

24 February 2016	DIBP advised that Ms X's husband, Mr Y, has a separate immigration pathway to his family, but the family will be assessed for placement together.
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Ombudsman assessment/recommendation

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review Ms X was awaiting the outcome of judicial review.

The Ombudsman notes DIBP's advice on 7 October 2015 and 24 February 2016 that Ms X and her family are being considered for referral to the Minister under s 197AB for consideration of a community detention placement. The Ombudsman recommends that this process be expedited and the family be considered for a community detention placement as soon as possible.