

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

*Under s 486O of the Migration Act 1958*

This is the fourth s 486O report on Ms X who has remained in immigration detention for more than 72 months (six years).

The first report 1425/13 was tabled in Parliament on 26 June 2013, the second report 1001083 was tabled in Parliament on 19 March 2014 and the third report 1001630 was tabled in Parliament on 3 June 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Ms X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1002731
<b>Date of DIBP's reports</b>	12 June 2015, 14 December 2015 and 12 June 2016
<b>Total days in detention</b>	2186 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1001630), Ms X has remained in community detention.

**Recent visa applications/case progression**

9 December 2014	The Department of Immigration and Border Protection (DIBP) commenced an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of Ms X's case engage Australia's <i>non-refoulement</i> obligations.
23 February 2015	Attended an interview in relation to the ITOA.
21 April 2015	Ms X provided further information in relation to the ITOA.
22 July 2015	Ms X's case was referred on a ministerial submission for consideration to lift the bar under s 46A of the <i>Migration Act 1958</i> to allow her to lodge a Partner visa application with an associated Bridging visa application.
3 August 2015	The Minister declined to intervene under s 46A and noted that DIBP will progress her removal from Australia.
14 December 2015	DIBP advised that Ms X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) <sup>1</sup> which found that the ITOA process was procedurally unfair.
21 March 2016	The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair.

<sup>1</sup> *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

**Health and welfare**

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

**Case status**

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