

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O report on Ms X who remained in restricted immigration detention for more than 30 months (two and a half years).

Name	Ms X
Citizenship	Country A
Year of birth	1974
Ombudsman ID	1002891
Date of DIBP's reports	10 April 2015 and 6 October 2015
Total days in detention	917 (at date of DIBP's latest report)

Detention history

4 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 636 <i>Keller</i> . She was transferred to an Alternative Place of Detention (APOD), Christmas Island. Ms X was reunited with her husband, Mr Y on 29 May 2013. He arrived on SIEV <i>Newark</i> and is the subject of Ombudsman report 1003093.
6 June 2013	Transferred to Brisbane Immigration Transit Accommodation.
19 June 2013	Transferred to Villawood Immigration Detention Centre.
15 April 2014	Transferred to Wickham Point APOD.
28 June 2014	Transferred to Bladin APOD.
26 February 2015	Transferred to Wickham Point APOD.
26 November 2015	Granted a Bridging visa and released from detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that, prior to ministerial intervention, Ms X was part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A.	
12 March 2014	Ms X was issued with a letter inviting her to comment on the unintentional release of personal information through DIBP's website. ¹
23 February 2015	Referred on a ministerial intervention submission under s 195A to be considered for a Bridging visa.

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.

5 March 2015	The Minister declined to intervene under s 195A.
29 September 2015	The Minister intervened to lift the bar under s 46A to allow Ms X to lodge a temporary visa application.
6 October 2015	DIBP advised that it is yet to invite Ms X to lodge a temporary visa application.
26 November 2015	Granted a Bridging visa.

Health and welfare

4 April 2013 – ongoing	<p>International Health and Medical Services (IHMS) reported that Ms X advised she had an autoimmune skin condition. She was referred to a dermatologist for assessment and ongoing management.</p> <p>Ms X was also identified as a tuberculosis contact. No abnormalities were reported and she was monitored as per state policy.</p>
20 April 2013 – ongoing	She presented to IHMS with anxiety and concerns related to her prolonged detention. She also disclosed a history of torture and trauma and accepted a referral for psychological counselling.
10 June 2013 – ongoing	<p>She presented to her general practitioner (GP) with gynaecological issues. An ultrasound returned normal results.</p> <p>Repeat ultrasounds were conducted in April 2014 (results not known) and in October 2014, and fibroids and a cyst were identified. In May 2015 she was referred to a specialist who diagnosed her with T and commenced her on medication.</p>
29 August 2013	She reported finding a lump in her breast to her GP. An ultrasound confirmed the lump was benign and it was recommended that she have a repeat ultrasound in 12 months.
20 January 2014	An x-ray of her foot identified generative changes and bony spurs. She was referred to a podiatrist for further assessment.
10 March 2014 – 31 March 2014	She attended four physiotherapy sessions.
April 2014 – ongoing	She was diagnosed with type 2 diabetes and referred to a diabetic educator and an endocrinology specialist. She was commenced on medication and a care plan was developed in July 2015 to support her self-management of her condition.
4 June 2014 and 5 July 2014	She attended two sessions with a diabetic educator.
10 June 2014 – 19 September 2014	She attended three endocrinology and dermatology appointments.

11 October 2014	<p>She was assessed by a psychiatrist following anxiety, poor appetite and sleep with depressed mood. The psychiatrist reported that there appeared to be relationship issues with her husband as a consequence of their immigration pathway. She was provided with counselling.</p> <p>IHMS advised that following Ms X's transfer to Wickham Point APOD, she requested a referral to a specialist counselling service and that she attended regular sessions.</p>
17 October 2014	A biopsy of a cheek lesion was taken which confirmed a benign malformation in her skin.
15 December 2014	A biopsy of her breast lesion was taken. No further information was provided.
19 December 2014	She attended a review with a podiatrist. She was referred to a general surgeon to remove ingrown toenails. IHMS advised that she was placed on a surgery waiting list in February 2015.
24 March 2015	She was diagnosed with a fibrocystic disease following complaints of pain around her breast. Scans identified changes in her fibroids, and an additional small cyst. Her GP explained the risk of infection and the need to commence antibiotic treatment.
30 March 2015 – 27 April 2015	She attended three psychological counselling sessions.
11 May 2015 – 29 June 2015	She attended four specialist counselling sessions.
9 September 2015	<p>IHMS advised that Ms X remains on the surgery waiting list and that there have been no reported exacerbation of her condition. She was monitored and prescribed with medication by her GP and attended specialist counselling sessions.</p> <p>IHMS also commented that for a period of time (dates not provided) she was monitored closely by Serco officers following reports of threats of self-harm to the Australian Red Cross. IHMS advised that she was monitored by the mental health team.</p>

Case status

Ms X was granted a Bridging visa on 26 November 2015 and released from immigration detention.

Ms X was detained on 2 April 2013 after arriving in Australia aboard *SIEV Keller* and was held in detention for over two and a half years before being granted a Bridging visa.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Ms X to lodge a temporary visa application. Ms X is awaiting an invitation to apply for a temporary visa.