

REPORT 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 has remained in immigration detention for more than 66 months (five and a half years). The previous reports are:

Report 1286/13 was tabled in Parliament on 26 June 2013

Report 1623/13 was tabled in Parliament on 4 December 2013

Report 1001308 was tabled in Parliament on 1 October 2014

Report 1001983 was tabled in Parliament on 12 August 2015.

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	1976
Ombudsman ID	1002475
Date of DIBP's reports	8 May 2015, 3 November 2015 and 3 May 2016
Total days in detention	2004 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001983), Ms X has remained in community detention.

Ms X resides with her husband and four children, who were granted Protection visas on 27 March 2013. Ms X was not eligible for a Protection visa at that time due to charges of unlawful assault, for which she received a three-month good behaviour bond.

Recent visa applications/case progression

8 May 2015	The Department of Immigration and Border Protection (DIBP) advised that Ms X's case was referred on a ministerial submission to lift the bar under s 46A of the <i>Migration Act 1958</i> .
18 June 2015	Her case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa. On 25 June 2015 the Minister declined to intervene.
2 July 2015	The Minister lifted the bar under s 46A to allow her to lodge a temporary visa application.
27 July 2015	She was invited to lodge a Partner (Temporary) visa application and a Partner (Residence) visa application.
22 January 2016	Lodged a Partner (Temporary) visa application with an associated Bridging visa application and a Partner (Residence) visa application.
29 January 2016	Associated Bridging visa application was invalid.
3 May 2016	DIBP advised that Ms X's case was identified for assessment against the guidelines for a referral under s 195A.

Health and welfare

International Health and Medical Services (IHMS) advised that Ms X's previously reported condition of Graves' disease continued to be monitored and treated by a general practitioner and specialists.

Case status

Ms X has been found to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review she was awaiting the outcome of her Partner (Temporary) visa application and Partner (Residence) visa application lodged on 22 January 2016.