

**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 24 months (two years).

Name	Ms X
Citizenship	Country A
Year of birth	1968
Ombudsman ID	1002299-O
Date of DIBP's report	25 January 2016
Total days in detention	732 (at date of DIBP's report)

Detention history

23 January 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. She was transferred to Villawood Immigration Detention Centre (IDC).
22 July 2015	Transferred to Maribyrnong IDC.
10 September 2015	Transferred to Wickham Point Alternative Place of Detention.
2 June 2016	Granted a Bridging visa and released from detention.

Visa applications/case progression

31 October 2007	Arrived in Australia on a Tourist (Short Stay) visa valid until 31 January 2008.
14 December 2007	Lodged a Protection visa application with an associated Bridging visa application.
18 December 2007	Granted a Bridging visa valid until 12 August 2008.
7 March 2008	Protection visa application refused.
4 April 2008	Appealed to the Refugee Review Tribunal (RRT).
15 July 2008	RRT affirmed original decision.
12 August 2008	Requested judicial review by the Federal Magistrates Court (FMC).
15 August 2008	Granted a Bridging visa valid until 17 August 2009.
20 July 2009	FMC dismissed request for judicial review.
17 August 2009	Bridging visa ceased and she remained in the community as an unlawful non-citizen.
23 January 2014	Located and detained under s 189(1).

28 January 2014	Lodged a second Protection visa application with an associated Bridging visa application. The Department of Immigration and Border Protection (DIBP) advised that Ms X's son, Mr Y, and his wife and son, Ms Z and Master Q, were included as dependents.
4 February 2014	Associated Bridging visa application refused.
10 March 2014	Lodged a further Bridging visa application.
12 March 2014	Bridging visa application refused and DIBP notified Ms X of the unintentional release of personal information. ¹
9 July 2014	DIBP invited Ms X to comment on the privacy breach.
22 July 2014	Ms X provided her response which DIBP advised was taken into account in the consideration of her protection claims.
25 February 2015	Second Protection visa application refused.
28 February 2015	Appealed to the Refugee Review Tribunal (RRT).
15 October 2015	Administrative Appeals Tribunal (AAT) affirmed original decision. ²
4 November 2015	Requested judicial review by the Federal Circuit Court.
2 June 2016	Granted a Bridging visa.

Health and welfare

International Health and Medical Services (IHMS) advised that Ms X received treatment and counselling for a range of physical and mental health issues including concerns for her safety and an increased risk of self-harm following negative news about her immigration case.	
6 May 2015	DIBP Incident Reports recorded that Ms X self-harmed by hitting her head against the wall. Use of force was required to prevent further self-harm.

Case status

<p>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 review, Ms X was awaiting the outcome of judicial review.</p> <p>Ms X was granted a Bridging visa on 2 June 2016 and released from immigration detention.</p>

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.

² On 1 July 2015 the Migration Review Tribunal and the RRT were merged into the AAT.