

**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	1973
Ombudsman ID	1002867
Date of DIBP's report	6 July 2015
Total days in detention	740 (at date of DIBP's latest report)

Detention history

26 June 2013	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.
20 February 2015	Transferred to Wickham Point Alternative Place of Detention.
July 2015	Ms X was released from detention when she voluntarily departed Australia.

Visa applications/case progression

17 August 1998	Ms X arrived in Australia on a Student visa valid until 30 August 2000.
7 September 2000	Ms X remained in the community unlawfully until she was located by authorities. She was granted a Bridging visa valid until 21 September 2000.
23 October 2000	Granted a Student visa with work rights valid until 13 April 2002.
7 March 2002	Lodged a Carer visa application with an associated Bridging visa application. She was granted an associated Bridging visa the same day.
31 July 2003	Carer visa application was refused.
8 September 2003	Ms X remained in the community unlawfully following the expiry of her associated Bridging visa.
8 August 2004	Ms X departed Australia.
24 February 2006	Lodged a combined Provisional and Migration Partner visa application.
4 July 2006	Granted a Provisional Partner visa.
29 January 2007	Arrived in Australia on a Provisional Partner visa.
5 March 2007	The Department of Immigration and Border Protection (DIBP) advised that Ms X's partner withdrew his visa sponsorship following a relationship breakdown.

14 January 2011	Migration Partner visa application was refused. She was granted a Bridging visa on the same day to allow her to appeal to the Migration Review Tribunal (MRT).
7 February 2011	Appealed to the MRT.
20 February 2013	MRT affirmed original decision.
29 March 2013	Ms X's Bridging visa ceased and she remained in the community unlawfully.
19 July 2013	Lodged a Protection visa application which triggered an associated Bridging visa application.
23 July 2013	Associated Bridging visa application refused.
15 October 2013	Protection visa application refused.
18 October 2013	Appealed to the Refugee Review Tribunal (RRT).
9 December 2013	RRT affirmed original decision.
11 December 2013	Found not to meet the guidelines for referral to the former Minister under s 417.
16 December 2013	Requested judicial review by the Federal Circuit Court (FCC).
18 December 2013	Lodged a Bridging visa application.
20 December 2013	Bridging visa application refused.
3 June 2014	FCC affirmed original decision.
14 January 2015	DIBP advised that Ms X's case was affected by the unintentional release of personal information ¹ and an International Treaties Obligations Assessment (ITOA) was commenced to assess whether the circumstances of her case engage Australia's <i>non-refoulement</i> obligations.
19 February 2015	Lodged a Bridging visa application.
23 February 2015	Bridging visa application refused.
25 February 2015	Appealed to the MRT.
6 March 2015	MRT affirmed original decision.
9 June 2015	DIBP finalised the ITOA, determining Ms X's case did not engage Australia's <i>non-refoulement</i> obligations.
12 June 2015	Ms X signed a request for voluntary removal from Australia.
July 2015	Ms X voluntarily departed Australia.

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.

Health and welfare

International Health and Medical Services (IHMS) advised that Ms X did not require treatment for any major physical issues.	
24 November 2013 – 17 March 2014	Disclosed a history of torture and trauma and attended five specialist counselling sessions.
1 July 2015	IHMS reported that Ms X declined further counselling and was monitored by the mental health team.

Case status

Ms X voluntarily departed Australia in July 2015.
