

**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 72 months (six years). The previous reports are:

1000571 was tabled in Parliament on 12 February 2014

1001387 was tabled in Parliament on 27 August 2014

1001641 was tabled in Parliament on 11 February 2015

1002119 was tabled in Parliament on 21 October 2015.

This report updates the information 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>	1974
<b>Ombudsman ID</b>	1000516-O
<b>Date of DIBP's reports</b>	17 December 2015 and 16 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 (1002119), Ms X remained at Wickham Point Alternative Place of Detention (APOD).	
24 May 2016	Transferred to Villawood Immigration Detention Centre.

**Recent visa applications/case progression**

10 December 2015	The Federal Circuit Court adjourned the judicial review of Ms X's negative International Treaties Obligations Assessment (ITOA).
17 December 2015	The Department of Immigration and Border Protection (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 filed a notice in the High Court (HC) to appeal the FFC's decision.
27 July 2016	The HC found that the ITOA process was not procedurally unfair.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Ms X continued to be monitored for low mood with anxiety symptoms related to prolonged detention. She regularly sees the mental health team for supportive counselling.  IHMS advised that Ms X was reviewed by an IHMS psychologist in December 2015 who noted she displayed symptoms of situational stress related to prolonged detention.
--

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

**Information provided by Ms X**

During an interview with Ombudsman staff at Wickham Point APOD on 21 April 2016 Ms X stated she is finding it difficult to be in detention day after day when she believes she has done nothing wrong. She said she has a court hearing scheduled and has legal assistance to help her.

She said her health was not good and she has recently experienced dizzy spells and had a fall which caused severe bruising to her arm.

She said she had requested assistance from Ombudsman staff on a number of occasions during the past few years and was dissatisfied that the Ombudsman was not able to take a more active role in changing her situation and that she is still in detention after more than five and a half years.

**Case status**

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. She is awaiting the outcome of judicial review.