

**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 has remained restricted in immigration detention for more than 30 months (two and a half years).

<b>Name</b>	Ms X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1961
<b>Ombudsman ID</b>	1002375-O
<b>Date of DIBP's reports</b>	14 April 2016 and 14 October 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

16 April 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. She was transferred to Adelaide Immigration Transit Accommodation (ITA).
19 May 2016	Transferred to Melbourne ITA.

**Visa applications/case progression**

19 August 2008	Arrived in Australia on a Sponsored Family Visitor visa with a \$10,000 bond, valid until 19 November 2008. Ms X failed to depart by 19 November 2008 and her family forfeited the bond.
16 April 2014	Detained under s 189(1).
23 April 2014	Lodged a Protection visa application.
21 November 2014	Protection visa application refused.
1 December 2014	Appealed to the Refugee Review Tribunal (RRT).
23 December 2014, 7 April 2015 and 1 October 2015	Lodged applications for Bridging visas which the Department of Immigration and Border Protection (DIBP) refused, the last one being refused on 6 October 2015.
24 February 2015	RRT affirmed original decision to refuse the Protection visa application.
27 February 2015	Requested judicial review by the Federal Circuit Court (FCC) of the RRT's decision.
14 October 2015	Appealed to the Administrative Appeals Tribunal (AAT) against DIBP's decision to refuse the Bridging visa application lodged on 1 October 2015.
23 October 2015	AAT affirmed the decision to refuse the Bridging visa application.
24 March 2016	FCC dismissed the application for judicial review.
11 April 2016	Appealed to the Federal Court (FC) against the FCC's decision.

17 June 2016	The FC remitted Ms X's case to the AAT <sup>1</sup> .
21 June 2016	The AAT commenced reconsideration of Ms X's case. At the date of DIBP's latest report the matter remained ongoing.
8 July 2016	Lodged application for Bridging visa which was refused on 12 July 2016.

### Health and welfare

International Health and Medical Services (IHMS) advised that Ms X disclosed a history of domestic violence from her husband. She was referred for specialist torture and trauma counselling. In May 2014 the counsellor reported some evidence of anxiety, intrusive thoughts, ruminations and guilt over her children whom she had left behind in Country A.

In November 2014 a psychiatrist reported possible underlying anxiety and adjustment disorder due to prolonged detention. At a mental health review in January 2016 Ms X reported feeling sad due to prolonged detention. In June 2016 Ms X declined further external counselling.

IHMS further advised that Ms X received treatment for a number of physical health concerns including a gastroenterological matter, a possible autoimmune disorder, left-shoulder pain and lower back pain. In relation to the possible autoimmune disorder, after missing appointments with a specialist, Ms X was re-referred to a specialist following transfer to Melbourne ITA. An appointment was pending at the date of IHMS's latest report.

### Case status

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for more than two and a half years. At the date of DIBP's latest report the AAT had commenced review of Ms X's application for a Protection visa, following remittal by the FC.

<sup>1</sup> On 1 July 2015 the RRT was merged into the AAT.