

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Ms X who has remained in restricted immigration detention for more than 54 months (four and a half years).

The first report 1001123 was tabled in Parliament on 12 February 2014, the second report 1001417 was tabled in Parliament on 24 September 2014 and the third report 1001709 was tabled in Parliament on 4 March 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, born in Country E
Year of birth	1977
Ombudsman ID	1002196
Date of DIBP's reports	17 January 2015, 13 July 2015 and 12 January 2016
Total days in detention	1,640 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001709), Ms X has remained at Villawood Immigration Detention Centre.

Recent visa applications/case progression

13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Ms X of the unintentional release of personal information. ¹
5 September 2014	Ms X's case was referred for assessment against the guidelines under ss 195A and 197AB of the <i>Migration Act 1958</i> for consideration of a Bridging visa or a community detention placement.
18 September 2014	Found not to meet the guidelines for a referral to the former Minister under ss 195A and 197AB.
20 January 2015	DIBP issued Ms X with a letter inviting her to comment on the privacy breach.
4 February 2015	Ms X provided her response.
14 April 2015	The Federal Circuit Court remitted Ms X's negative Protection visa application to the Refugee Review Tribunal (RRT).
4 May 2015	The RRT commenced reassessment of Ms X's negative Protection visa application.
13 May 2015	Ms X's case was referred for assessment against the guidelines under ss 195A and 197AB.

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.

7 October 2015	The Administrative Appeals Tribunal (AAT) ² affirmed the original decision to refuse Ms X's Protection visa application.
11 November 2015	The Minister declined to intervene under ss 195A and 197AB.

Health and welfare

February 2014 – 14 July 2015	International Health and Medical Services (IHMS) advised that Ms X continued to receive intermittent physiotherapy for neck and shoulder pain and continued to take pain relief medication as required.
27 August 2014	Reviewed by a psychiatrist who reported that Ms X was frustrated and anxious as a result of her situation and she was diagnosed with adjustment disorder with anxious and depressed mood. The psychiatrist recommended Ms X be transferred to community detention as her prolonged detention was adversely affecting her mental health.
3 September 2014 – 24 November 2015	Attended nine specialist counselling sessions. IHMS reported that she had not attended multiple scheduled appointments.
8 December 2014	Reviewed by a general practitioner (GP) and referred to a specialist. She was prescribed with pain relief medication.
22 December 2014	Ms X was admitted to hospital after injuring her left hand. An x-ray identified a fractured finger and her hand was stabilised. She was advised to follow up with a specialist hand clinic.
2 January 2015	Surgery was conducted on her fractured finger.
29 January 2015 and 27 May 2015	Reviewed by a gastroenterologist and was diagnosed with multiple conditions. She was provided with diet education and prescribed with medication.
11 February 2015 – ongoing	Reviewed by a specialist who recommended further investigation and surgery. IHMS reported that it was awaiting further information from the specialist at the time of its latest report and Ms X's condition continues to be monitored by a GP.
5 June 2015 – ongoing	Admitted to hospital after injuring her right knee. A soft tissue injury was identified and her leg was placed in a splint. A magnetic resonance imaging scan identified a small ligament tear and she was referred to an orthopaedic specialist. IHMS advised that she attends physiotherapy and her condition is managed by a GP.
13 August 2015	Reviewed by an orthopaedic specialist and was referred for extensive physiotherapy and a possible fitting of a soft brace.
11 December 2015 – ongoing	IHMS advised that Ms X continues to take prescribed medication and receives support from the mental health team.

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

Case status

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. She has no matters before DIBP, the courts or tribunals and is on a removal pathway.