

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Ms X who remained in restricted immigration detention for a cumulative period of more than 42 months (three and a half years).

The first report 505/09 was tabled in Parliament on 4 February 2009 and the second report 545/09 was tabled in Parliament on 17 June 2009. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Ms X
Citizenship	Country A
Year of birth	1981
Ombudsman ID	000479-O
Date of DIBP's reports	14 June 2016 ¹ and 28 September 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

14 August 2009	Granted a Removal Pending Bridging visa (RPBV) and released from restricted immigration detention.
29 February 2016	Ms X was transferred from a correctional facility to restricted immigration detention and detained under s 189(1) of the <i>Migration Act 1958</i> .
12 October 2016	The Administrative Appeals Tribunal (AAT) revoked the decision cancelling Ms X's visa and she was released from immigration detention.

Previous visa applications/case progression

August 2008	The Refugee Review Tribunal affirmed the refusal of Ms X's Protection visa application but noted that her case raised compassionate or humanitarian concerns that only the Minister could consider.
September 2008	The Department of Immigration and Citizenship (the department) initiated a s 417 assessment.

Recent visa applications/case progression

6 August 2009	The department found that Ms X's case did not meet the s 417 guidelines for referral to the Minister.
14 August 2009	Granted a RPBV.
18 February 2016	Ms X's RPBV was mandatorily cancelled under s 501(3A).

¹ The department's 30 month review on Ms X was due in April 2016. The department advised that the delay in provision of this review was due to a system failure.

8 March 2016	Ms X requested that the Minister revoke the cancellation of her RPBV.
4 July 2016	A delegate of the Minister declined to exercise discretion under s 501CA(4) to revoke the cancellation of Ms X's RPBV.
14 July 2016	Ms X applied to the AAT for review of the delegate's decision.
12 October 2016	The AAT revoked the decision cancelling Ms X's RPBV.

Recent criminal history

1 December 2015	Convicted of multiple shoplifting offences. She was sentenced to 12 months imprisonment with a non-parole period of three months. Her earliest date of release was 29 February 2016.
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Health and welfare

International Health and Medical Services (IHMS) advised that Ms X was prescribed with methadone as opiate replacement therapy which was dispensed daily by IHMS staff. She was reported to be compliant in taking this medication.

IHMS further advised that the result of her induction chest x-ray in March 2016 was slightly abnormal. However, she did not consent to further investigations and did not present with any health issues in relation to the matter.

Case status

On 12 October 2016 the AAT revoked the decision cancelling Ms X's RPBV and she was released from immigration detention.