

## 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 48 months (four years).

The first report 1001233 was tabled in Parliament on 19 March 2014, the second report 1001482 was tabled in Parliament on 29 October 2014 and the third report 1001906 was tabled in Parliament on 18 March 2015. This report updates the material 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>	1976
<b>Ombudsman ID</b>	1002364
<b>Date of DIBP's reports</b>	26 March 2015 and 21 September 2015
<b>Total days in detention</b>	1,458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001906), Ms X has remained at Facility P.

### Recent visa applications/case progression

24 September 2014	Ms X's migration agent responded to the Notice of Intention to Consider Refusal under s 501 of the <i>Migration Act 1958</i> and requested that discretion be exercised not to refuse Ms X's Protection visa application
2 February 2015	The Department of Immigration and Border Protection (DIBP) issued Ms X with a letter regarding the possible refusal of her Protection visa application.
26 March 2015	DIBP advised that it was preparing a submission for the Minister to consider refusing Ms X's Protection visa application under s 501.
10 May 2015	The Minister refused to grant a Protection visa.
13 May 2015	DIBP advised Ms X of the Minister's refusal decision.
9 June 2015	Ms X requested judicial review by the Federal Circuit Court (FCC). A directions hearing was listed for 12 October 2015.

### Health and welfare

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Ms X for the period 11 October 2014 to 27 April 2015.

28 April 2015 – 2 September 2015	IHMS advised that Ms X has not required treatment for any major physical or mental health issues.
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## Other matters

26 March 2015	DIBP advised that Ms X's complaint lodged with the Privacy Commissioner concerning the privacy breach <sup>1</sup> remains ongoing.
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## Information provided by Ms X

Ms X sent an email to the Ombudsman's office, dated 6 November 2015, expressing her concerns and frustrations about her detention circumstances and the way she has been treated by DIBP. She also expressed confusion about her case progression and the decisions that have been made by DIBP.

Ms X stated that she has been incarcerated for eight years and her children are suffering because of her detention. She expressed remorse for her past actions but feels she has paid for what she did and has rehabilitated herself.

Ms X indicated that she cannot understand why she is still in restricted detention when she has been recognised as a refugee. She stated that she has people in the community who can support her and she questioned why she cannot live in the community while waiting for the review of her case.

## Case status

Ms X has been found to be owed protection under the complementary protection criterion. Her Protection visa application has been refused under s 501 and she has requested judicial review.

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<sup>1</sup> 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.