

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 in restricted immigration detention for more than 24 months (two years).

Name	Ms X
Citizenship	Country A
Year of birth	1961
Ombudsman ID	1003224
Date of DIBP's report	18 August 2015
Total days in detention	734 (at date of DIBP's report)

Detention history

14 August 2013	Ms X was detained under s 189(1) of the <i>Migration Act 1958</i> after she was found working in breach of her visa conditions. She was transferred to Villawood Immigration Detention Centre.
7 May 2015	Transferred to Wickham Point Alternative Place of Detention.

Visa applications/case progression

1 January 2013	Ms X arrived as the holder of a Tourist visa valid until 1 April 2013.
12 June 2013	Ms X was residing in the community as an unlawful non-citizen until she lodged a Protection visa application. The Department of Immigration and Border Protection (DIBP) advised that she was granted a Bridging visa as a dependent applicant on her son, Mr Y's Protection visa application.
14 August 2013	Ms X's Bridging visa was cancelled under s 116.
9 September 2013	Protection visa application refused.
13 September 2013	Appealed to the Refugee Review Tribunal (RRT).
19 November 2013	RRT affirmed original decision.
20 November 2013	Found not to meet the guidelines for referral to the former Minister under s 417.
5 December 2013	Requested judicial review by the Federal Circuit Court (FCC).
23 July 2014	FCC affirmed original decision.
26 August 2014	Requested judicial review by the Full Federal Court (FFC).
10 November 2014	FFC affirmed original decision.
11 August 2015	Ms X was found not to be owed protection following an International Treaties Obligations Assessment.

Health and welfare

22 October 2013 – ongoing	International Health and Medical Services (IHMS) advised that Ms X presented with recurring dizziness. Pathology testing was conducted with no abnormalities identified. IHMS advised that Ms X's medication was altered to prevent side-effects and she continues to be monitored by a general practitioner (GP).
24 October 2013	DIBP Incident Reports recorded that Ms X self-harmed by banging her head against a wall and threatened further self-harm. No further information was provided.
3 April 2014	A DIBP Incident Report recorded that Ms X refused food and fluids as a form of protest. No further information was provided.
20 January 2015	A DIBP Incident Report recorded that Ms X was transferred to a hospital emergency department by ambulance. No further information was provided.
25 February 2015 – ongoing	Presented to a GP with knee pain and an x-ray was conducted. She was diagnosed with osteoarthritis and a cartilage condition and was referred to an orthopaedic specialist.

Other matters

Ms X is the holder of a Country A passport valid until 2022.

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.