

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Ms X who has remained in immigration detention for more than 42 months (three and a half years). The previous assessment 1002297-O was tabled in Parliament on 8 November 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Ms X
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1002297-O1
Date of DIBP's reports	16 January 2017 and 17 July 2017
Total days in detention	1,276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment (1002297-O), Ms X has remained at Facility B.

Recent visa applications/case progression

7 September 2016	Lodged a bridging visa application.
8 September 2016	Bridging visa application refused.
28 September 2016	The Federal Court (FC) dismissed Ms X's application for judicial review of the Federal Circuit Court's (FCC) decision to dismiss her application for an interlocutory injunction preventing her removal from Australia.
12 October 2016	The Department of Immigration and Border Protection (the department) lodged an application for a Country A travel document for Ms X.
13 October 2016	Applied to the FCC for an injunction preventing her removal from Australia.
9 December 2016	FCC dismissed Ms X's application for an injunction. The department advised that Ms X subsequently informally agreed to voluntarily depart Australia.
1 January 2017	Applied to the Full Federal Court (FFC) for judicial review of the FCC's decision.
24 May 2017	Ms X withdrew from proceedings in the FFC.
17 July 2017	The department advised that as Ms X has no matters before the department, the courts or tribunals, she is on a removal pathway. The department further advised that it was waiting for Ms X's travel documentation to be issued by the authorities of Country A.

Health and welfare

International Health and Medical Services advised that Ms X was provided with treatment for multiple physical health concerns, including thyroid dysfunction and high cholesterol. Her medications were adjusted following an endocrinology review on 13 July 2016 and her condition continued to be monitored by a general practitioner.

Information provided by Ms X

During an interview with Ombudsman staff at Facility B in June 2017 Ms X advised that the FC was considering her application for judicial review. She said that she was previously receiving legal assistance, but does not currently have a lawyer.

Ms X claimed that money had been stolen from her bank account while she was in detention and she believed the bank was investigating. She advised that she had reported the incident to the police, however her case manager had not been helpful. She explained that she hoped a Serco officer could escort her to the bank so she could examine what had occurred.

Ms X advised that she is vegetarian and struggles with the food at Facility B because there are inadequate vegetarian meal options. She claimed that her health has been affected by poor nutrition and she has developed a thyroid disorder that requires medication. She also advised that she feels tense and stressed and does not sleep well. She said that she practices yoga and accesses mental health support, however she stopped attending counselling because it is repetitive.

Ms X disclosed that her husband was abusive towards her before she came into detention and she does not want to return to Country A because he resides there. She said that she would prefer to go to Country B as it is where her mother, father and brother reside.

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 an immigration detention facility for more than three and a half years. She has no matters before the department, the courts or tribunals and is on a removal pathway.