

**REPORT (ABRIDGED) 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 remained in restricted immigration detention for a cumulative period of more than 24 months (two years).

Name	Ms X
Citizenship	Country A
Year of birth	1968
Ombudsman ID	1002417-O
Date of DIBP's report	27 May 2016

Detention history

1 November 2011	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 273 <i>Pearl</i> .
26 April 2012	Granted a Bridging visa valid until 29 October 2012 and released from Inverbrackie Alternative Place of Detention.
29 October 2012 – 18 November 2014	Ms X was granted multiple Bridging visas during this period with the final Bridging visa granted on departure grounds.
20 November 2014	Re-detained under s 189(1) as she had failed to depart Australia and transferred to Brisbane Immigration Transit Accommodation (ITA).
23 June 2016	Granted a Bridging visa and released from Melbourne ITA.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that Ms X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC), which found that the International Treaties Obligations Assessment (ITOA) process undertaken by DIBP was procedurally unfair.	
The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair.	
22 April 2016	She was invited to lodge a temporary visa application.
26 May 2016	She declined DIBP's offer of the Primary Application Information Service.

Health and welfare

Ms X was provided with treatment for a range of physical health issues including a foot injury. She was also provided with treatment and counselling for a history of torture and trauma, depression, an adjustment disorder and anxiety.

Case status

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's review she had not yet lodged an application for a temporary visa.
Ms X was granted a Bridging visa on 23 June 2016 and released from immigration detention.