

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the second s 486O report on Ms X who has remained in restricted immigration detention for a cumulative period of more than 36 months (three years).

The first report 1003474 was tabled in Parliament on 15 April 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002181-O
Date of DIBP's reports	1 April 2016 and 30 September 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003474), Ms X remained at Wickham Point Alternative Place of Detention (APOD).	
4 May 2016	Transferred to Villawood Immigration Detention Centre.

Recent visa applications/case progression

27 November 2015	The Federal Circuit Court adjourned the review of Ms X's International Treaties Obligations Assessment (ITOA) pending the outcome of any appeal against the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the ITOA process was procedurally unfair.
7 December 2015 – 30 August 2016	Lodged five Bridging visa applications which were refused or found to be invalid.
1 April 2016	The Department of Immigration and Border Protection (the department) advised that Ms X's case was affected by the FFC's decision.
27 July 2016	The Minister appealed the FFC decision and the High Court (HC) found that the ITOA process was not procedurally unfair. ² The department advised that it is considering the implications of this judgment.

¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

² *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.

Health and welfare

International Health and Medical Services advised that Ms X continues to receive treatment for a thyroid condition. Ms X engaged with specialists and received radioactive iodine therapy in February 2016. She was prescribed with medication which is adjusted as her condition improves, and continues to be monitored.

April 2016

Ms X refused food and fluid for four days.

Information provided by Ms X

During an interview with Ombudsman staff at Wickham Point APOD on 21 April 2016 Ms X advised that she felt depressed, lacked energy and found it difficult to pass time in detention. She advised that she had previously attended counselling sessions but did not find them helpful.

She also stated that she had mosquito bites from head to toe, with visible bites all over her face, arms and legs. She stated that this was a problem all year round and that repellent was ineffective.

Ms X further advised that when she goes to hospital for medical reasons, Serco officers hold her arms which makes her feel like she looks like a criminal.

Case status

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. Her case is affected by the HC judgment of 27 July 2016 and the department advised that it is considering the resolution of Ms X's immigration status.