

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Ms X who has remained in immigration detention for a cumulative period of more than 30 months (two and a half years).

Name	Ms X
Citizenship	Country A
Year of birth	1978
Ombudsman ID	1002631-O
Date of DIBP's reports	26 March 2017 and 26 September 2017
Total days in detention	914 (at date of DIBP's latest report)

Detention history

27 March 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following her release from a correctional facility. She was transferred to Yongah Hill Immigration Detention Centre (IDC).
28 September 2015	Transferred to Perth IDC.
15 January 2016	Transferred to a correctional facility. ¹

Visa applications/case progression

Ms X arrived in Australia on 26 November 2012 on an Electronic Travel Authority visa.	
25 February 2013	Lodged a Student visa application. She was granted a bridging visa on the same day.
17 May 2013	Student visa application refused.
6 June 2013	Applied to the Migration Review Tribunal (MRT) for merits review.
24 March 2014	MRT affirmed original decision.
30 April 2014	Bridging visa ceased.
24 November 2014	Lodged a Combined Partner visa application.
5 February 2015	Combined Partner visa application refused. She was granted a bridging visa on the same day.
13 February 2015	Bridging visa cancelled under s 116 following criminal charges.
1 May 2015	The Western Australian Department of Public Prosecutions issued Ms X with a Criminal Justice Stay Certificate and lodged an application for a Criminal Justice Stay visa (CJSV).
14 May 2015	The Department of Immigration and Border Protection (the department) refused to grant Ms X a CJSV.

¹ On 26 September 2017 the department advised that Ms X continues to be detained under s 189(1) while she is placed in a correctional facility serving a custodial sentence.

Criminal history

7 August 2014	Charged with criminal offences and remanded in custody.
15 January 2016	Found guilty of drug and firearm offences and sentenced to seven years imprisonment.

Health and welfare

The department advised that Ms X's health and welfare is managed by Corrective Services, Western Australia.

Ombudsman assessment

Ms X was detained on 27 March 2015 following her release from a correctional facility and has remained in immigration detention, both in a detention facility and correctional facility, for more than two and a half years.

Ms X is currently serving a custodial sentence and remains in immigration detention. Her earliest estimated date of release is 7 August 2019.

The Ombudsman notes with concern that in the absence of any health and welfare information provided by the department, the Ombudsman is unable to assess the adequacy of healthcare provided to Ms X during this assessment period.