

**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, born in Country B
Year of birth	1985
Ombudsman ID	1002402-O
Date of DIBP's report	16 May 2016
Total days in detention	730 (at date of DIBP's report)

Detention history

16 May 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. She was transferred to Facility C.
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Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that Ms X had previously resided in Australia on Visitor visas on multiple occasions between May 1997 and July 2005.	
9 February 2011	Arrived in Australia on a Student visa.
7 February 2013	Sent Notice of Intention of Intention to Consider Cancellation of her Student visa.
15 March 2013	Student visa ceased.
15 March 2013	Lodged a Student visa application and granted an associated Bridging visa.
5 May 2014	Student visa application refused under s 501 and her associated Bridging visa was cancelled.
6 June 2014	Requested judicial review by the Federal Court (FC) of the decision to refuse her Student visa application. Ms X withdrew her application on 9 July 2015.
19 May 2014	Lodged a Protection visa application with associated Bridging visa application.
20 May 2014	Associated Bridging visa application deemed invalid.
18 June 2014	Protection visa application refused.
23 June 2014	Appealed to the Refugee Review Tribunal (RRT).
9 October 2014	RRT remitted the Protection visa application to DIBP with a direction that Ms X was owed protection.
27 January 2015	Found to meet the guidelines for referral to the Minister under ss 195A and 197AB.

2 June 2015	The Minister refused Ms X's Protection visa application under s 501 and declined to intervene under ss 195A and 197AB.
3 July 2015	Requested judicial review by the FC of the decision to refuse her Protection visa application under s 501.
2 October 2015	FC remitted the decision to refuse her Protection visa application for reconsideration.
28 October 2015	Ms X's Protection visa application was referred to the Visa Application Character Consideration Unit (VACCU) for consideration to refuse her application under s 501.

Criminal history

25 September 2012	Ms X was convicted of importing prohibited goods into Australia and was sentenced to 12 months imprisonment suspended for 24 months on entering into a good behaviour bond. She was placed on the State D Sex offenders Register.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Ms X commenced hormone replacement therapy in 2011 to reassign her gender. She continues to be monitored by an endocrinology specialist.</p> <p>Ms X receives treatment for multiple complex mental health conditions including obsessive compulsive disorder, autism, depression and anxiety and is monitored by the psychiatrist and IHMS mental health team. She has been placed on Supportive Monitoring and Engagement observations on multiple occasions following deterioration in her mental health and incidents of self-harm.</p> <p>IHMS further advised that Ms X receives treatment for oesophagitis reflux and hip pain. She continues to be monitored by the general practitioner and attends regular physiotherapy.</p>	
5 November 2011 – 10 May 2016	DIBP Incident Reports recorded that Ms X self-harmed on 11 occasions and attempted self-harm on several occasions.
12 November 2014	Ms X was admitted to hospital after expressing suicidal thoughts. She was returned to Facility C the same day and reviewed by the IHMS psychiatrist.

Case status

<p>The FC has remitted Ms X's protection visa application to DIBP for reconsideration.</p> <p>Ms X's Protection visa application has been referred to VACCU for consideration to refuse her application under s 501.</p>
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