

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

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Ms X who has remained in immigration detention for more than 60 months (five years).

The first report 1001384 was tabled in Parliament on 9 July 2014, the second report 1001637 was tabled in Parliament on 17 June 2015 and the third report 1002734 was tabled in Parliament on 14 September 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Ms X
Citizenship	Country A
Year of birth	1966
Ombudsman ID	1000923-O
Date of DIBP's reports	15 June 2016 and 14 December 2016
Total days in detention	1822 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002734), Ms X has remained in community detention.
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Recent visa applications/case progression

13 April 2016	The Minister lifted the bar under s 46A to allow Ms X to lodge a temporary visa application.
22 April 2016	The Department of Immigration and Border Protection (the department) invited Ms X to apply for a temporary visa.
10 June 2016	Ms X was notified that she is eligible to receive the Primary Application Information Service (PAIS) to assist her with lodging a temporary visa application. She accepted the offer on 16 June 2016 and was assigned a provider.
15 June 2016	The department advised that Ms X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair.
27 July 2016	The Minister appealed the FFC decision and the High Court found that the ITOA process was not procedurally unfair. ²
17 August 2016	Found to meet the guidelines for referral to the Minister under s 195A.
28 October 2016	Referred on a ministerial submission for consideration under ss 195A and 46A(2) for the grant of a Bridging visa and to allow Ms X to lodge further Bridging visa applications without ministerial intervention.
17 November 2016	The Minister's office found that Ms X's case did not meet the guidelines.

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 (IHMS) advised that Ms X attends regular psychiatric appointments and has been prescribed with medication for the management of depression, anxiety, an adjustment disorder and symptoms associated with post-traumatic stress disorder. Following episodes of auditory and visual hallucinations the psychiatrist advised that she may benefit from a psychiatric inpatient admission for assessment but Ms X declined and chose to continue with her scheduled counselling appointments.

IHMS further advised that Ms X received treatment and was prescribed with medication for a range of physical health conditions including high blood pressure, high cholesterol, type 2 diabetes, a knee injury and shoulder pain.

Other matters

14 December 2016	<p>The department advised that Ms X resides in community detention with Ms Y and her children as she claims to be Ms Y's mother. The department further advised that uncertainty had arisen about the relationship and that further verification was ongoing.</p> <p>Ms Y and two of her children arrived in Australia by sea with Ms X and are the subjects of Ombudsman report 1000924-O.</p>
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Case status

Ms X was detained on 19 December 2011 after arriving in Australia by sea and has been held in detention for over five years.

On 13 April 2016 the Minister lifted the bar under s 46A to allow Ms X to apply for a temporary visa.

On 16 June 2016 Ms X accepted the PAIS assistance and was assigned a provider to assist with lodging her application.