

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 immigration detention for more than 36 months (three years).

The first report 1003321¹ was tabled in Parliament on 13 May 2015. 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	1960
Ombudsman ID	1003321
Date of DIBP's report	8 April 2015 and 27 September 2015
Total days in detention	1,094 (at date of DIBP's latest report)

Detention history

28 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 461 <i>Painter</i> . She was transferred to an Alternative Place of Detention (APOD), Christmas Island. Ms X arrived with her two daughters, Ms Y and Ms Z, her son-in-law, Mr Q, and her three granddaughters. Ms Z, Mr Q and their three daughters were granted Bridging visas on 22 April 2015 and are the subject of Ombudsman report 1003323. Ms Y was also granted a Bridging visa (date not provided).
11 October 2012	Transferred to Perth Immigration Residential Housing (IRH).
11 October 2012	Transferred to Perth Immigration Detention Centre.
18 October 2012	Transferred to Perth IRH.
3 December 2012	Transferred to community detention where she resides with her daughter, Ms Y.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Ms X was part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A.	
22 November 2012	The former Minister intervened under s 197AB to allow Ms X to reside in community detention.

¹ Ms X was previously reported on in a group report of people who arrived on SIEV 461 *Painter*.

13 March 2014	DIBP notified Ms X of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering her protection claims.
1 June 2015	The Minister intervened to lift the bar under s 46A. On the same day, Ms X was notified that she is eligible to receive the Primary Application Information Service to assist her with lodging a temporary visa application. She accepted the offer on 20 June 2015.
20 August 2015	Ms X's authorised representative lodged a Temporary Protection visa (TPV) on her behalf.
28 August 2015	At DIBP's request, Ms X provided additional information for her TPV application.
27 September 2015	DIBP advised that as Ms X has serious health issues, she is better supported in community detention than if she would be residing in the community on a Bridging visa.

Health and welfare

2 October 2012 – ongoing	International Health and Medical Services (IHMS) advised that Ms X had been treated for metastatic ovarian cancer two years prior to her arrival in Australia. Since being detained she has had numerous hospital admissions and has been under the care of an oncologist, a palliative care team and her general practitioner (GP). IHMS induction blood tests identified that Ms X has type 2 diabetes. She was prescribed with medication and has attended podiatry appointments in relation to her diabetes. In June 2015 the podiatrist recommended a surgical procedure to prevent further foot infections. IHMS approved the procedure and advised that an appointment is outstanding. Ms X also has an underactive thyroid. IHMS advised this continued to be managed with medication and monitored by her GP.
18 January 2013 – ongoing	IHMS advised that Ms X has been monitored by a psychologist and psychiatrist to manage her adjustment disorder and depression. She was prescribed with antipsychotic and antidepressant medication. She was also trialled on a number of medications to assist with her sleep. IHMS noted that she was scheduled to see a clinical psychologist with a palliative care unit but there was no indication that this had occurred.

² In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

24 April 2015 – ongoing	IHMS reported that she continued to receive chemotherapy and is regularly reviewed by her GP and palliative care team.
16 September 2015	A DIBP Incident Report recorded that following adverse symptoms Ms X was admitted to hospital and was expected to stay for two days. No further information was provided.
6 October 2015	A DIBP Incident Report recorded that following adverse symptoms Ms X was admitted to hospital following her scheduled oncology appointment.

Case status

Ms X was detained on 28 September 2012 after arriving in Australia aboard *SIEV Painter* and has been held in detention for over three years.

On 1 June 2015 the Minister lifted the bar under s 46A to allow Ms X to apply for a temporary visa and on 20 August 2015 Ms X lodged a TPV application.