

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

*Under s 486O of the Migration Act 1958*

This is the third s 486O report on Ms X who has remained in immigration detention for more than 42 months (three and a half years).

The first report 1002405 was tabled in Parliament on 14 September 2015 and the second report 1003480 was tabled in Parliament on 31 August 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Ms X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1001304-O
<b>Date of DIBP's reports</b>	6 April 2016 and 5 October 2016
<b>Total days in detention</b>	1276 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1003480), Ms X and her family <sup>1</sup> remained at Wickham Point Alternative Place of Detention.	
31 March 2016	Transferred to community detention.

**Recent visa applications/case progression**

22 October 2015	The Administrative Appeals Tribunal affirmed Protection visa refusal.
20 November 2015	Requested judicial review by the Federal Circuit Court (FCC).
18 March 2016	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to allow Ms X and her family to reside in community detention.
12 July 2016	Ms X's application for judicial review by the FCC in Darwin was transferred to the FCC in Melbourne and relisted for hearing.

**Health and welfare**

International Health and Medical Services advised that while in restricted detention Ms X received treatment for benign breast lumps and recurrent chest pain. She attended specialist reviews with no concerns noted. She also attended regular sessions with the mental health team for management of anxiety and insomnia.
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<sup>1</sup> Ms X's husband, Mr Y is the subject of Ombudsman report 1002185-O.

Ms X and Mr Y's son, Master Z was born in Australia in April 2015. He has been in detention for less than two years and is not subject to reporting under s 486N.

**Case status**

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in detention for more than three and a half years. At the time of the Department of Immigration and Border Protection's latest review she was awaiting the outcome of judicial review.