

**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 a cumulative period of more than 36 months (three years).

The first report 1002275-O was tabled in Parliament on 14 September 2016. 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	1970
Ombudsman ID	1002275-O1
Date of DIBP's reports	29 June 2016 and 29 December 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002275-O), Ms X has remained in community detention.

Recent visa applications/case progression

Ms X arrived in Australia by sea after 19 July 2013 and was transferred to a Regional Processing Centre (RPC). The Department of Immigration and Border Protection (the department) has advised that Ms X is barred under ss 46A and 46B of the *Migration Act 1958* from lodging a valid protection visa application as a result of her method of arrival and transfer to an RPC.

Ms X was returned to Australia for medical treatment on 9 January 2014.

The department has advised it is exploring options to resolve Ms X's immigration status.

Health and welfare

International Health and Medical Services (IHMS) advised that Ms X was awaiting an appointment with a general surgeon to review a benign lump on her shoulder. Routine blood tests in August 2016 reported her human immunodeficiency virus infection was stable and she was to continue her current treatment regime until further specialist review in February 2017.

IHMS further advised that following Ms X's transfer to community detention no mental health concerns have been raised.

Ombudsman assessment/recommendation

Ms X was detained on 14 December 2013 after arriving in Australia by sea and has been held in detention for a cumulative period of more than three years with no processing of her claims.

Ms X was transferred to an RPC and returned to Australia for medical treatment. The department advised that it is exploring options to resolve Ms X's immigration status.

The Ombudsman notes the advice from IHMS that Ms X has a medical condition that requires ongoing treatment.

The Ombudsman notes with concern the Government's duty of care to detainees and the serious risk to mental and physical health prolonged and apparently indefinite detention may pose.

The Ombudsman notes that without an assessment of Ms X's claims it appears likely she will remain in detention indefinitely.

The Ombudsman recommends that the department expedite resolution of Ms X's immigration status.