

**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 Master X who has remained in immigration detention for more than 24 months (two years).

Name	Master X
Citizenship	Country A (born to parents ¹ in immigration detention)
Year of birth	2014
Ombudsman ID	1002403-O
Date of DIBP's report	16 May 2016
Total days in detention	732 (at date of DIBP's report)

Detention history

15 May 2014	Following his birth to parents in immigration detention, Master X was detained under s 189(1) of the <i>Migration Act 1958</i> .
The Department of Immigration and Border Protection (DIBP) advised that Master X currently resides with his family in community detention.	

Visa applications/case progression

DIBP advised Master X and his family are part of a cohort who have not had their protection claims assessed as they and are subject to the bar under s 46A.

Health and welfare

International Health and Medical Services advised that Master X was diagnosed with a medical condition and referred to a hospital surgical clinic for review.

Ombudsman assessment/recommendation

<p>The Ombudsman notes that Master X was detained on 15 May 2014 following his birth to parents in immigration detention and has been held in detention for over two years with no processing of his protection claims.</p> <p>The Ombudsman notes with concern that without an assessment of Master X's claims to determine if he is found to engage Australia's protection obligations, it appears likely that he will remain in detention for an indefinite period.</p> <p>The Ombudsman notes the Minister's recent Statements to Parliament, in which he advises that DIBP is progressing the substantial caseload of maritime arrivals, and will provide him with advice to assist his consideration of whether to lift the bar to allow these people to lodge a temporary visa application.</p> <p>The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Master X's protection claims commence as soon as possible.</p>
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¹ Master X's parents, Mr Y and Ms Z, and brothers, Master Q and Master R, are the subject of Ombudsman report 1002181.