

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

Name	Miss X
Citizenship	Country A, (born to parents ¹ in immigration detention)
Year of birth	2013
Ombudsman ID	1002999
Date of DIBP's report	13 July 2015
Total days in detention	731 (at date of DIBP's report)

Detention history

12 July 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> .
The Department of Immigration and Border Protection (DIBP) advised that Miss X is currently residing in community detention with her parents.	

Visa applications/case progression

DIBP advised that since Miss X was born after 13 August 2012, she is subject to the bar under s 46A (2).	
13 July 2015	Miss X's parents were found to not be owed protection under the Refugee Convention. They are currently awaiting the outcome of an International Treaties Obligations Assessment (ITOA).

Health and welfare

15 November 2013	International Health and Medical Services (IHMS) advised that during an appointment with a general practitioner (GP), Miss X's parents reported concerns about the development of her right leg. Her GP noted a slight outward deviation and referred her to a hospital orthopaedic clinic. Miss X's parents were unhappy with the waiting time to see a specialist and presented to a hospital emergency department (no date provided). X-rays were conducted with no abnormalities identified and Miss X's parents were provided with education.
December 2013	Miss X was referred to a dermatologist for assessment of an ongoing skin condition.
19 June 2014	Reviewed by an orthopaedic physiotherapist and improvements in her right leg were noted. IHMS advised that her condition continues to be monitored by her GP.

¹ Miss X's parents, Mr Y and Ms Z, are the subjects of Ombudsman report 1002161.

Ombudsman assessment

The Ombudsman notes that two-year-old Miss X, who was detained on 12 July 2013 after her birth to parents in immigration detention, has been held in detention for over two years with no processing of her protection claims.

The Ombudsman notes that Miss X's parents have been found to be not owed protection under the Refugee Convention and are awaiting the outcome of an ITOA. The Ombudsman makes no recommendations in this report.