

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 30 months (two and a half years).

Name	Master X
Citizenship	Stateless (claimed), born in Country A
Year of birth	1998
Ombudsman ID	1002250-O
Date of DIBP's reports	5 December 2015 and 2 June 2016
Total days in detention	910 (at date of DIBP's latest report)

Detention history

5 December 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel (SIEV) 867 <i>Yakutat</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
15 December 2014	Transferred to Bladin APOD.
22 December 2014	Transferred to community detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Master 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.	
12 March 2014	DIBP notified Master X of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering his protection claims.
12 December 2014	The former Minister intervened under s 197AB to allow Master X to reside in community detention.
16 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a Temporary Protection visa application.
30 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a Safe Haven Enterprise visa (SHEV) application.
8 July 2015	Master X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 7 August 2015 and was assigned a PAIS provider.

¹ 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.

13 November 2015	Lodged a SHEV application which triggered an associated Bridging visa application.
5 December 2015	DIBP advised that Master X is not being considered for the grant of a Bridging visa while he remains a minor.

Health and welfare

International Health and Medical Services (IHMS) advised that Master X disclosed a history of torture and trauma but declined a referral for specialist counselling.

Master X was diagnosed with hepatitis B in December 2013 following routine pathology testing. He was reviewed by a hepatology clinic and continues to be monitored by a general practitioner.

IHMS further advised that Master X received treatment for multiple minor physical conditions, including ear perforations and musculoskeletal pain.

Other matters

28 March 2014	Master X lodged a complaint with the Australian Human Rights Commission (AHRC) in relation to his prolonged detention. DIBP provided its response on 29 August 2014. On 21 January 2015 the AHRC notified DIBP that the matter was finalised.
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Case status

Master X was detained on 5 December 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Yakutat* and has been held in detention for over two and a half years.

On 30 June 2015 the Minister lifted the bar under s 46A to allow Master X to apply for a temporary visa and on 13 November 2015 Master X lodged a SHEV application.