

## 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 Master X who has remained in immigration detention for more than 42 months (three and a half years).

The first report 1002137 was tabled in Parliament on 9 September 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Master X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1999
<b>Ombudsman ID</b>	1002707
<b>Date of DIBP's reports</b>	27 June 2015, 9 December 2015 and 7 June 2016
<b>Total days in detention</b>	1278 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002137), Master X has remained in community detention.

### Recent visa applications/case progression

13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Master X of the unintentional release of personal information <sup>1</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
16 June 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Master X to lodge a temporary visa application.
9 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.
21 July 2015	Master X accepted the PAIS assistance and was assigned a provider to assist him with lodging his application.
3 September 2015	Lodged an application for a Safe Haven Enterprise Visa (SHEV).
9 May 2016	Attended an identity interview in support of his SHEV application.

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<sup>1</sup> 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.

### **Health and welfare**

International Health and Medical Services (IHMS) advised that Master X presented with pain in his abdomen. Investigations identified minor abnormalities and he was prescribed with medication to manage his symptoms.

IHMS advised that Master X reported experiencing sleeping difficulties. He was prescribed with medication and referred to see a psychologist, but IHMS advised it had no record of Master X attending a psychology appointment.

### **Other matters**

DIBP advised that Master X has two brothers living in Australia on permanent Protection visas, however as they are both under 21 years of age they do not meet the criteria to act as Master X's guardian.

### **Case status**

Master X was detained on 6 December 2012 after arriving in Australia as an unaccompanied minor aged 12 aboard Suspected Illegal Entry Vessel *Jensen*. He has been held in detention for over three and a half years.

On 16 June 2015 the Minister lifted the bar under s 46A to allow Master X to apply for a temporary visa and on 3 September 2015 Master X lodged a SHEV application.