

**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).

<b>Name</b>	Master X
<b>Citizenship</b>	Stateless (claimed), born in Country A
<b>Year of birth</b>	2001
<b>Ombudsman ID</b>	1002252-O
<b>Date of DIBP's reports</b>	7 December 2015 and 6 June 2016
<b>Total days in detention</b>	913 (at date of DIBP's latest report)

**Detention history**

6 December 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 12 aboard Suspected Illegal Entry Vessel (SIEV) 868 <i>Zionsville</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
26 March 2014	Transferred to Melbourne Immigration Transit Accommodation.
17 June 2014	Transferred to Sydney Immigration Residential Housing.
8 July 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.	
13 March 2014	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.
19 June 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 (TPV) application.
30 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a Safe Haven Enterprise visa application.

<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.

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. He accepted the offer on 20 July 2015 and was assigned a PAIS provider.
3 September 2015	Lodged a TPV application which triggered an associated Bridging visa application.
3 November 2015	Associated Bridging visa application deemed invalid.
7 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 was diagnosed with an adjustment disorder and provided with support while in restricted detention due to his age. No mental health concerns were reported following his transfer to community detention.

### Detention incidents

16 December 2013	DIBP Incident Reports recorded that Master X was reviewed by IHMS and closely monitored by Serco officers following allegations that another detainee had behaved inappropriately towards him. The incident was referred to the Australian Federal Police for investigation.
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### Other matters

18 September 2014	Master X lodged a complaint with the Australian Human Rights Commission (AHRC). DIBP provided a response on 22 October 2014 and the AHRC finalised its investigation on 10 March 2015.
23 September 2014	Master X lodged a second complaint with the AHRC. DIBP provided a response on 29 October 2014 and the AHRC finalised its investigation on 10 November 2014.
Master X's brother, Mr Y, resides in the community on a Bridging visa.	

### Case status

Master X was detained on 6 December 2013 after arriving in Australia as an unaccompanied minor aged 12 aboard SIEV *Zionsville*. He has been held in detention for over two 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 TPV application.