

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
Year of birth	1998
Ombudsman ID	1003501
Date of DIBP's report	12 October 2015
Total days in detention	730 (at date of DIBP's report)

Detention history

12 October 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 14 aboard Suspected Illegal Entry Vessel (SIEV) 857 <i>Orrville</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
15 December 2014	Transferred to Bladin APOD.
23 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 Master X's protection claims.
16 June 2015	The Minister lifted the bar under s 46A to allow him 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.
20 August 2015	He accepted the PAIS offer and DIBP advised it will assign him with a PAIS provider to assist him with lodging a temporary visa application.
12 October 2015	DIBP advised that Master X is not being considered for the grant of a Bridging visa while he is under the age of 18. DIBP further advised that Master X has been invited to lodge a temporary visa application.

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.

Health and welfare

International Health and Medical Services (IHMS) provided details of Master X's health and welfare. No significant ongoing physical health concerns were noted.	
28 November 2013	Master X disclosed a history of torture and trauma and attended group therapy sessions while in restricted detention. IHMS advised that following his release into community detention, no further issues were raised.

Other matters

22 April 2014	Master X lodged a complaint with the Ombudsman's office concerning a delay in accessing healthcare while he was detained at a Christmas Island APOD. The complaint was investigated and finalised on 13 August 2014.
2 May 2014	DIBP advised that Master X lodged a complaint with the Australian Human Rights Commission. DIBP was notified that on 21 January 2015 the complaint was closed.

Case status

<p>Master X was detained on 12 October 2013 after arriving in Australia as an unaccompanied minor aged 14 aboard SIEV <i>Orrville</i> and has been held in detention for over two years.</p> <p>On 16 June 2015 the Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application. On 20 August 2015 Master X accepted the PAIS offer and will be assigned a provider to assist him with lodging his application</p>
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