

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	Country A
Year of birth	1997
Ombudsman ID	1002805
Date of DIBP's reports	19 December 2014 and 22 June 2015
Total days in detention	915 (at date of DIBP's latest report)

Detention history

19 December 2012	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) 567 <i>Tornax</i> .
The Department of Immigration and Border Protection (DIBP) advised that Master X is currently residing in community detention.	

Visa applications/case progression

DIBP advised that Master X is part of a cohort who have not had their protection claims assessed as they arrived in Australia after 13 August 2012 and the Minister has not lifted the bar under s 46A.	
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Health and welfare

22 December 2012	International Health and Medical Services (IHMS) advised that Master X was identified as a tuberculosis contact and is monitored as per state policy.
16 October 2013	IHMS advised that imaging scans were conducted on his legs with no abnormalities identified.
12 November 2013	Admitted to a hospital emergency department after presenting with unexplained pain in his lower limbs. He was provided with pressure socks and crutches and prescribed with pain relief medication. He was discharged the same day with advice to attend a follow-up appointment with his general practitioner (GP).
23 December 2013 and 30 December 2013	Presented to his GP with knee pain and was referred for imaging scans. A ligament injury was identified and he was advised to take pain relief medication as required.
8 January 2014	A DIBP Incident Report recorded that Master X was transported to hospital after reporting shoulder pain. DIBP advised that he was provided with pain relief medication and was not admitted.

15 January 2014	Admitted to a hospital emergency department after presenting with ongoing chest pain related to a previous injury. IHMS advised that scans were conducted with no abnormalities identified and he was discharged with advice to take pain relief medication as required.
25 February 2014	Referred to an orthopaedic specialist after presenting to his GP with persistent bicep pain. He attended the appointment on 10 June 2014. No further information was provided.
23 July 2014	Presented to his GP with a two-month history of hair loss. He was diagnosed with an autoimmune disorder and referred to a dermatologist for review. IHMS advised that he was prescribed with medication and continues to be monitored by his GP.
April 2015	Attended a follow-up appointment with his GP who noted improvements in his hair growth.

Ombudsman assessment/recommendation

The Ombudsman notes that Master X was detained on 19 December 2012 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Tornax*. He has been held in detention for over two and a half years with no processing of his protection claims.

The Ombudsman notes with concern that without an assessment of Master X's claims to determine if he is found to engage Australia's protection obligations, it appears likely that he will remain in detention for an indefinite period.

The Ombudsman notes the Minister's recent Statements to Parliament, in which he advises that DIBP is progressing the substantial caseload of maritime arrivals, and will provide him with advice to assist his consideration of whether to lift the bar to allow these people to lodge a Temporary Protection visa application.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Master X's protection claims commence as soon as possible.