

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	1003414
Date of DIBP's report	7 September 2015
Total days in detention	730 (at date of DIBP's report)

Detention history

7 September 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) 843 <i>Anniston</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
2 July 2014	Transferred to Bladin APOD.
3 July 2014	Transferred to Inverbrackie APOD.
8 August 2014	Transferred to Melbourne Immigration Transit Accommodation.
19 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.	
18 October 2013	An age determination assessment confirmed that Master X is under 18 years of age.
5 March 2014	Master X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ¹
2 July 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application. DIBP advised that Master X is not being considered for the grant of a Bridging visa while he remains a minor.
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. DIBP advised that Master X accepted this offer 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.

31 August 2015	Lodged a Safe Haven Enterprise visa (SHEV) application with the assistance of his PAIS provider.
4 September 2015	Master X was notified that DIBP had received his SHEV application.

Health and welfare

9 September 2013 – ongoing	International Health and Medical Services (IHMS) advised that Master X presented to his general practitioner (GP) on multiple occasions with recurring abdominal pain. An ultrasound and diagnostic testing identified no abnormalities and he was prescribed with medication. He was advised to follow up with his GP as required.
19 February 2014	Disclosed a history of torture and trauma but declined specialised counselling.
16 March 2014	Presented to his GP with eye irritation and reduced vision. His GP noted abnormal pigmentation and he was referred to an optometrist and ophthalmologist.
27 May 2014	Master X presented to the mental health team following thoughts of self-harm and concerns for his mental health. He advised that he was experiencing frustration but declined further mental health support. He also expressed concern about his stutter and reported that it was worsening as a result of stress. He was referred for psychological counselling.
15 July 2014	Attended an appointment with an ophthalmologist. IHMS provided no further information.
22 August 2014	Attended a review with an optometrist and was provided with glasses.
8 September 2014	Attended an appointment with his GP who noted improvements in his stutter. His condition continues to be monitored by his GP.
25 May 2015	Presented to his GP with a skin condition and was prescribed with medication. He was referred to a hospital dermatologist clinic for further treatment.
23 July 2015	A DIBP Incident Report recorded that Master X was transferred to a hospital emergency department by ambulance after he collapsed. He was admitted to hospital for review and referred to a hospital neurological clinic for further investigation. No further information was provided.

Detention incidents

22 May 2015	A DIBP Incident Report advised that Master X was absent from school on 14 occasions between 13 April 2015 and 13 May 2015 without explanation. DIBP advised that Master X's case worker attended a meeting with the school to discuss his absences and strategies were implemented to encourage him to attend school.
-------------	---

Other matters

2 May 2014	The Australian Human Rights Commission (AHRC) lodged a complaint with DIBP on Master X's behalf. The matter was finalised on 21 January 2015. No further information was provided.
12 May 2014	The AHRC lodged a complaint with DIBP on Master X's behalf in relation to the provision of healthcare services in detention. DIBP responded to the complaint on 3 June 2014 and received further questions from the AHRC on 18 June 2014. The matter was finalised on 24 July 2014.
28 March 2014	<p>Master X lodged a complaint with Ombudsman staff while at Phosphate Hill APOD, Christmas Island, alleging that he was receiving inadequate health care and treatment for an eye condition.</p> <p>Following an investigation by the Ombudsman, DIBP advised that Master X was reviewed by an optometrist on 3 May 2014 and was referred to an ophthalmologist.</p> <p>On 27 October 2014 the Ombudsman finalised the complaint after being satisfied that Master X was receiving health care consistent with community standards.</p>

Case status

Master X was detained on 7 September 2013 after arriving in Australia as an unaccompanied minor aged 14 aboard *SIEV Anniston* and has been held in detention for over two years.

On 2 July 2015 the Minister lifted the bar under s 46A to allow Master X to apply for a temporary visa and on 31 August 2015 Master X lodged a SHEV application.