

## 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 1001852<sup>1</sup> was tabled in Parliament on 25 February 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>	1002905
<b>Date of DIBP's reports</b>	23 March 2015, 8 September 2015 and 1 March 2016
<b>Total days in detention</b>	1,275 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001852), Master X has remained in community detention. He currently resides with other unaccompanied minors under the care of a Department of Immigration and Border Protection (DIBP) contracted service provider. <sup>2</sup>	
3 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 13 aboard Suspected Illegal Entry Vessel (SIEV) 434 <i>Oregano</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
11 November 2012	Transferred to Inverbrackie APOD.
6 February 2013	Transferred to community detention.

### Recent visa applications/case progression

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.	
26 September 2013	Lodged a Protection visa application which was deemed invalid.
13 March 2014	DIBP notified Master X of the unintentional release of personal information. <sup>3</sup>
16 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.

<sup>1</sup> Master X was previously reported on in a group report of people who arrived on SIEV 434 *Oregano*.

<sup>2</sup> The Department of Immigration and Border Protection (DIBP) advised that Master X arrived in Australia with his uncle, Mr Y, on 3 September 2012 and prior to a relationship breakdown on 8 August 2013 he was living with his uncle in community detention.

<sup>3</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.

30 June 2015	The Minister intervened under s46A to allow Master X to apply for a Safe Haven Enterprise visa (SHEV) as an alternative to a Temporary Protection visa (TPV).
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.
14 July 2015	He accepted the PAIS offer.
1 September 2015	Lodged a SHEV application which triggered an associated Bridging visa.
4 September 2015	DIBP requested further information to support his SHEV application which he provided on 21 September 2015.
2 November 2015	Associated Bridging visa application was deemed invalid.
1 March 2016	DIBP advised that Master X is not being considered for a Bridging visa while he is under the age of 18.

### Health and welfare

13 November 2012 – ongoing	International Health and Medical Services (IHMS) advised that Master X has a history of torture and trauma and was referred to a child psychologist in June 2013 following increased stress and an adjustment disorder. IHMS advised that he attended multiple counselling sessions until August 2013.  IHMS advised that Master X has had not raised any significant mental health concerns during this reporting period, but continues to be monitored by a general practitioner.
15 June 2015 – ongoing	An ultrasound conducted on his elbows identified a nerve injury and he was referred to a specialist for review.
7 September 2015	Attended an appointment with a psychologist for grief counselling following the death of a family member.

### Case status

Master X was detained on 3 September 2012 after arriving in Australia as an unaccompanied minor aged 13 aboard SIEV *Oregano* and 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 TPV. On 30 June 2015 the Minister again lifted the bar under s 46A to allow Master X to choose to apply for a SHEV and on 1 September 2015 Master X lodged a SHEV application.