

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 remained in immigration detention for a cumulative period of more than 30 months (two and a half years).

Name	Master X
Citizenship	Country A
Year of birth	1998
Ombudsman ID	1002701
Date of DIBP's report	18 June 2015 ¹
Total days in detention	950 (at date of DIBP's report)

Previous detention history

25 July 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia with his father (name not provided) aboard Suspected Illegal Entry Vessel (SIEV) 387 <i>Quilpie</i> .
13 February 2013	The Department of Immigration and Citizenship (DIAC) advised that Master X and his father were 'screened out' as they did not raise claims that engaged Australia's <i>non-refoulement</i> obligations and were involuntarily removed from Australia to Country A.
9 April 2013	Detained under s 189(3) after arriving in Australia with his family ² aboard SIEV 647 <i>Venturi</i> .
18 April 2013	DIAC advised that Master X and his family were 'screened out' and involuntarily removed from Australia to Country A.

Detention history

9 June 2013	Detained under s 189(3) after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV 739 <i>Yately</i> . Master X arrived with his brother, Master Y, an unaccompanied minor aged 13. The Department of Immigration and Border Protection (DIBP) advised that they resided together in community detention.
18 June 2015	Granted a Bridging visa and released from detention.

¹ The Department of Immigration and Border Protection (DIBP) advised that it did not meet its statutory obligations in relation to Master X due to unforeseen technical difficulties which precluded normal reporting procedures from being followed. DIBP further advised that substantial steps have been undertaken since then to prevent any recurrence of this issue.

² Master X arrived in Australia with his father (name not provided), his mother, Ms Z, and his brother, Master Y, who is the subject of Ombudsman report 1002702.

8 July 2015	DIBP advised that Master Y was granted a Bridging visa on 18 June 2015 and released from detention. Master X and Master Y now reside with their mother, Ms Z, and their siblings who arrived in Australia aboard SIEV <i>Rehobeth</i> on 19 July 2013.
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Visa applications/case progression

DIBP advised that prior to being released from detention, 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 the Minister had not lifted the bar under s 46A.	
18 June 2015	Granted a Bridging visa.

Health and welfare

International Health and Medical Services advised that Master X did not require treatment for any major physical or mental health issues.

Other matters

20 October 2015	The Ombudsman's office commenced an investigation into the circumstances surrounding the involuntary removal of Master X and two other minors as their 24-month reviews stated that they had arrived in Australia as unaccompanied minors.
7 December 2015	DIBP advised that Master X arrived in Australia with members of his family aboard both SIEV <i>Quilpie</i> and SIEV <i>Venturi</i> and had not arrived as an unaccompanied minor. DIBP further advised that Master X had been accompanied by members of his family during both involuntary removals from Australia to Country A. The investigation was finalised on 9 December 2015.

Ombudsman assessment/recommendation

<p>Master X was granted a Bridging visa on 18 June 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Master X was most recently detained on 9 June 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV <i>Yately</i> and was held in detention for a cumulative period of more than two and a half years before being granted a Bridging visa. The Ombudsman further notes that, at the time of DIBP's review, processing of Master X's claims for protection had not commenced.</p> <p>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.</p>
