

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 36 months (three years).

The first report 1002711¹ was tabled in Parliament on 21 October 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Master X
Citizenship	Country A
Year of birth	2002
Ombudsman ID	1001519-O
Date of DIBP's reports	8 December 2015 and 7 June 2016
Total days in detention	1094 (at date of DIBP's latest report)

Detention history

9 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 11 aboard Suspected Illegal Entry Vessel (SIEV) 739 <i>Yateley</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
13 July 2013	Transferred to Pontville APOD.
9 August 2013	Transferred to community detention.

Recent 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.	
29 July 2013	The former Minister intervened under s 197AB to allow Master X to reside in community detention.
13 March 2014	DIBP notified Master X of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering his protection claims.
16 June 2015 and 30 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.

¹ Master X was previously reported on with his brother, Mr Y, who is the subject of Ombudsman report 1002711. Mr Y currently resides in the community on a Bridging visa.

² 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.

10 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. He accepted the offer on 13 August 2015 and was assigned a PAIS provider.
1 October 2015	Master X's brother lodged a Safe Haven Enterprise visa (SHEV) application with an associated Bridging visa application and included Master X as a dependant.
12 November 2015	Associated Bridging visa application was deemed invalid.

Health and welfare

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

Case status

Master X was detained on 9 June 2013 after arriving in Australia as an unaccompanied minor aged 11 aboard SIEV *Yateley* and has been held in detention for over three years.

On 30 June 2015 the Minister lifted the bar under s 46A to allow Master X to apply for a temporary visa and on 1 October 2015 Master X was included as a dependant on his brother's SHEV application.