

## 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).

<b>Name</b>	Master X
<b>Citizenship</b>	Country A, born in Country B
<b>Year of birth</b>	1997
<b>Ombudsman ID</b>	1002881
<b>Date of DIBP's report</b>	8 July 2015
<b>Total days in detention</b>	739 (at date of DIBP's report)

### Detention history

29 June 2013	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) 766 <i>Eclectic</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(2).
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### Health and welfare

July 2013	International Health and Medical Services (IHMS) advised that during his induction health assessment Master X presented with limited vision in his left eye related to a childhood injury. He advised that he had previously undergone eye surgery.
8 July 2013	Disclosed a history of torture and trauma but declined specialist counselling.
11 January 2014	A DIBP Incident Report recorded that Master X was admitted to hospital and received stitches after cutting his finger while cooking.
March 2014	IHMS advised that Master X fractured his finger while playing sport. Tapings and splints were unsuccessful in treating his injury and he was referred to a specialist hospital clinic by his general practitioner.
August 2014	Referred to an ophthalmologist for a non-urgent assessment. IHMS advised that this appointment remained outstanding at the time of its report.
21 March 2015	Reviewed by a hospital specialist clinic and referred for rehabilitation therapy.

## Detention incidents

14 September 2013	A DIBP Incident Report recorded that Master X was involved in an altercation with another detainee and was allegedly kicked. No further information was provided.
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## Ombudsman assessment/recommendation

The Ombudsman notes that Master X was detained on 29 June 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Eclectic*. He has been held in detention for over two 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.