

## 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
<b>Year of birth</b>	1999
<b>Ombudsman ID</b>	1003160
<b>Date of DIBP's report</b>	27 July 2015
<b>Total days in detention</b>	733 (at date of DIBP's report)

### Detention history

24 July 2013	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 805 <i>Fruitdale</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
25 July 2013	Transferred to North West Point Immigration Detention Centre (IDC).
26 August 2013	Transferred to Darwin Airport Lodge APOD.
15 November 2013	Transferred to Bladin APOD.
29 November 2013	Transferred to North West Point IDC.
10 April 2014	Transferred to an APOD, Christmas Island.
21 December 2014	Transferred to Facility B.
12 February 2015	Transferred to community detention.
<p>The Department of Immigration and Border Protection (DIBP) advised that Master X arrived in Australia with Mr Y, who was his non-relative guardian.</p> <p>On 5 February 2015 the Minister intervened under s 197AB and approved a community detention placement for Mr Y and Master X. Following a breakdown in their relationship, on 16 April 2015 the Minister intervened under s 197AD and transferred Master X to a different community detention residence.</p>	

### Visa applications/case progression

12 March 2015	Master X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. <sup>1</sup>
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<sup>1</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.

16 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.
27 July 2015	DIBP advised that it had not yet invited Master X to lodge a temporary visa application. DIBP further advised that Master X is not being considered for the grant of a Bridging visa while he remains a minor.

### Health and welfare

28 July 2013	A DIBP Incident Report recorded that Master X presented in a distressed state and threatened self-harm and harm to Serco officers after being separated from his guardian. He was assessed by the mental health team (MHT). No further information was provided.
August 2013	<p>International Health and Medical Services (IHMS) advised that Master X experienced depression, situational stress and anxiety while in restricted detention. He was placed on Psychological Support Program (PSP) observations following multiple incidents of self-harm.</p> <p>IHMS advised that Master X was reviewed by a psychiatrist who noted that he was not coping with the uncertainty related to his immigration pathway and recommended that he be transferred to a child psychiatric ward for further assessment. However, he was transferred to Darwin Airport Lodge APOD and reunited with his guardian where his mood improved.</p> <p>IHMS further advised that Master X attended counselling sessions with a psychologist where he received cognitive behaviour therapy and was prescribed with antidepressant medication. He continued to participate in group counselling and was advised to self-refer to the MHT as required.</p>
13 August 2013 - 19 August 2013	Several DIBP Incident Reports recorded that while on PSP observations Master X self-harmed by banging his head against blunt objects on multiple occasions.
15 January 2014 - 17 January 2014	A DIBP Incident Report recorded that Master X undertook voluntary starvation as a form of protest.
17 February 2014	A DIBP Incident Report recorded that self-harm was suspected when Master X was found with superficial scratches to his upper right arm. Master X attended a medical check and said that the cuts were the result of an attempted tattoo. He was closely monitored by Serco officers until he attended a MHT assessment.
30 November 2014 - 1 December 2014	<p>A DIBP Incident Report recorded that Master X had self-harmed by cutting his left wrist. He was assessed by the MHT and advised that he was frustrated with his immigration pathway.</p> <p>He was placed on PSP observations during this period and attended regular psychiatrist appointments.</p>

March 2015	The general practitioner (GP) noted that Master X was experiencing depressive episodes. He was prescribed with antidepressant medication and referred for specialist counselling. IHMS advised that during follow-up appointments Master X's GP noted that he continued to attend counselling and improvements in his mood were noted. His GP continues to monitor his mental health.
21 July 2015	A DIBP Incident Report recorded that Master X was admitted to hospital after allegedly ingesting an illicit substance. No further information was provided.

### Detention incidents

20 December 2013	A DIBP Incident Report recorded that Master X was allegedly involved in a physical altercation with another detainee.
3 February 2014	A DIBP Incident Report recorded that Master X was allegedly involved in a physical altercation with an adult detainee after a disagreement with the detainee's son. Master X's guardian declined to report the matter to police.
4 February 2014	A DIBP Incident Report recorded that a complaint was made against Master X following ongoing aggressive and rude behaviour. The Australian Federal Police (AFP) were contacted and an investigation was conducted which is now closed. Master X was interviewed by his case worker and referred to the MHT for assessment.
6 February 2014	A DIBP Incident Report recorded that Master X was physically assaulted by an adult detainee. Master X's guardian declined to report the matter to police.
23 March 2014	A DIBP Incident Report recorded that Master X allegedly made racist comments towards another detainee. Master X and the detainee subsequently became involved in an altercation where Master X injured the other detainee with a chair. DIBP advised that the AFP were contacted in relation to the incident.
4 March 2015	A DIBP Incident Report recorded that Master X was allegedly involved in a physical altercation at school and was suspended. No further information was provided.
23 March 2015	A DIBP Incident Report recorded that Master X threatened to harm himself and others at his community detention property. No further information was provided.
13 June 2015	A DIBP Incident Report recorded that Master X was allegedly intoxicated, broke a window and required medical attention. No further information was provided.

### Other matters

27 July 2015	DIBP advised that following behavioural incidents in community detention, Mr Y advised that he was no longer able to provide care for Master X. On 16 April 2015 Master X was transferred to an alternative community detention residence.
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## **Ombudsman assessment**

The Ombudsman notes that Master X was detained on 24 July 2013 after arriving in Australia as an unaccompanied minor aged 13 and has been held in detention for over two years with no processing of his protection claims.

The Ombudsman notes with serious concern the number of alleged self-harm incidents and behavioural issues involving Master X. The Ombudsman notes advice from IHMS that Master X has continued to experience mental health concerns while in community detention and requires ongoing support from mental health service providers.

The Ombudsman further notes that on 16 June 2015 the Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application. The Ombudsman makes no recommendations in this report.