

# 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 24 months (two years).

<b>Name</b>	Master X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	2000
<b>Ombudsman ID</b>	1002702
<b>Date of DIBP's report</b>	18 June 2015
<b>Total days in detention</b>	748 (at date of DIBP's report)

## Previous detention history

9 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia with his family <sup>1</sup> aboard Suspected Illegal Entry Vessel (SIEV) 647 <i>Venturi</i> .
18 April 2013	The Department of Immigration and Citizenship (DIAC) advised that Master X and his family were 'screened out' as they did not raise claims that engage Australia's <i>non-refoulement</i> obligations and were 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 13 aboard SIEV 739 <i>Yately</i> .  Master X arrived with his brother, Master Y, an unaccompanied minor aged 15. DIAC advised that they resided together in community detention.
18 June 2015	Granted a Bridging visa and released from detention.
8 July 2015	The Department of Immigration and Border Protection (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.

## 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.

<sup>1</sup> Master X arrived in Australia with his father (name not provided), his mother, Ms Z and brother, Master Y, who is the subject of Ombudsman report 1002702.

## Health and welfare

International Health and Medical Services provided details of Master X's health and welfare. No significant ongoing physical health concerns were noted.	
25 July 2013	Master X disclosed a history of torture and trauma but declined specialist counselling.

## 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 had arrived in Australia aboard SIEV <i>Venturi</i> with members of his family and had not arrived as an unaccompanied minor. DIBP further advised that Master X had been accompanied by his mother during his involuntary removal 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 aboard SIEV <i>Yately</i> as an unaccompanied minor aged 13 and was held in detention for over two 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>
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