

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Master X who has remained in immigration detention for more than 66 months (five and a half years).

The first report 1423/13 was tabled in Parliament on 26 June 2013, the second report 1001124 was tabled in Parliament on 25 June 2014 and the third report 1001705 was tabled in Parliament on 27 May 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Master X
Citizenship	Country A
Year of birth	1998
Ombudsman ID	1002367-O
Date of DIBP's reports	16 July 2015 and 11 January 2016
Total days in detention	2001 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001705), Master X remained at Facility J. Master X's family ¹ remained in community detention.	
2 July 2015	Transferred to community detention to reside with his family.
3 November 2015	Transferred to a community detention residence for unaccompanied minors.
5 January 2016	Master X's community detention placement was revoked following criminal charges. He was transferred to Facility J.

Recent visa applications/case progression

24 August 2015	Master X and his family's case was referred on a ministerial submission for consideration to lift the s 46A bar.
25 August 2015	The Minister lifted the bar under s 46A to allow Master X and his family to lodge a temporary visa application.
1 September 2015	The Department of Immigration and Border Protection (DIBP) invited Master X's mother, Ms Y, to lodge a temporary visa application for the family.
9 October 2015	Master X's case was referred on a ministerial submission under s 197AB for consideration to either revoke Master X's community detention placement or consider relocating him to an unaccompanied minor community detention residence.

¹ Master X was previously included in his family's report but is now reported on separately under s 486N of the *Migration Act 1958*. His family are the subject of Ombudsman report 1002976.

19 October 2015	The Minister agreed to transfer Master X to an unaccompanied minor community detention residence.
4 November 2015	Ms Y lodged a Safe Haven Enterprise visa (SHEV) application. Ms Y's children, including Master X, were included as dependants on her SHEV application.

Criminal history

20 September 2015	<p>Master X was charged with theft and released on conditional bail.</p> <p>On 3 November 2015 he was found guilty and placed on a 14-month good behaviour bond, ordered to perform 30 hours of community service and accept supervision from a juvenile justice service.</p>
9 November 2015	<p>Master X was charged with three counts of dishonestly obtaining property by deception and one count of suspected stolen goods in personal custody.</p> <p>On 10 November 2015 Master X appeared before the L Children's Court and was granted conditional bail.</p> <p>On 1 December 2015 Master X appeared before the L Children's Court and was found guilty of all charges. He was placed on a three-month good behaviour bond, ordering that he must be of good behaviour, appear before the court at any time during the term of the bond and accept the supervision of a juvenile justice service.</p> <p>Master X appealed his sentence and the matter was listed for hearing in February 2016.</p>

Health and welfare

7 January 2015 and 8 January 2015	<p>A DIBP Incident Report recorded that Master X threatened self-harm during a conversation with his case worker.</p> <p>International Health and Medical Services (IHMS) advised that Master X was placed on Supportive Monitoring and Engagement (SME) observations as he was considered at risk of self-harm. The SME observations were ceased after Master X guaranteed the safety of himself and others.</p>
30 May 2015	Master X requested anger management counselling after acknowledging he had problems. This followed his suspension from school and his soccer club.
June 2015	Reviewed by the mental health team (MHT) who reported that Master X was no risk to himself or others. No acute or chronic mental health issues were identified.
14 July 2015	IHMS advised that Master X received support from the MHT and a psychologist.
15 July 2015 – 10 December 2015	IHMS advised that Master X did not require treatment for any major physical or mental health issues during this period.

Recent detention incidents

6 August 2015	A DIBP Incident Report recorded that Master X was taken to a police station as a result of his alleged involvement in theft.
August 2015 – 31 December 2015	DIBP Incident Reports recorded that Master X failed to return to his property or breached his curfew on 11 occasions.
13 August 2015	A DIBP Incident Report recorded that Master X was found at school in possession of a knife. He was suspended for four weeks and received a caution from police.
24 September 2015	A DIBP Incident Report recorded that Master X was returned to his community detention property by police after breaching his curfew.
6 October 2015 and 17 October 2015	A DIBP Incident Report recorded that Master X breached his curfew and was remanded in police custody.

Other matters

11 December 2014	<p>Master X was arrested by police and charged with aggravated break and enter.</p> <p>On 2 April 2015 Master X appeared before the L Children’s Court and was found guilty of aggravated break and enter and possess/attempt to possess a restricted substance. He was released on 12 months’ probation and no conviction was recorded.</p> <p>An additional charge of intimidating a police officer was dismissed and withdrawn.</p>
19 April 2016	Master X’s mother and siblings were granted Bridging visas and released from community detention.

Case status

<p>Master X was detained on 16 July 2010 after arriving in Australia as an 11-year old with his family aboard Suspected Illegal Entry Vessel <i>Mangerton</i> and has been held in detention for over five and a half years.</p> <p>On 25 August 2015 the Minister lifted the bar under s 46A to allow Master X and his family to apply for a temporary visa and on 4 November 2015 Ms Y lodged a SHEV application including Master X as a dependant on her application.</p>
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