

## 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 remained in immigration detention for more than 42 months (three and a half years).

The first report 1003024 was tabled in Parliament on 11 November 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Master X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1998
<b>Ombudsman ID</b>	1003361
<b>Date of DIBP's reports</b>	24 August 2015, 21 February 2016 and 20 August 2016
<b>Total days in detention</b>	1276 (at date of DIBP's latest report)

### Detention history

21 February 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 14 aboard Suspected Illegal Entry Vessel (SIEV) 596 <i>Watburg</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. <sup>1</sup>
21 March 2013	Transferred to Pontville APOD.
5 September 2013	Transferred to community detention.
10 October 2016	Granted a Safe Haven Enterprise visa (SHEV) and released from detention.

### Recent visa applications/case progression

26 August 2013	The Minister intervened under s 197AB to allow Master X to reside in community detention.
13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Master X of the unintentional release of personal information <sup>2</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
16 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.

<sup>1</sup> The Department of Immigration and Border Protection (DIBP) did not provide the full detention history for Master X in his 24-month review.

<sup>2</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.

9 July 2015	Master X was notified that he was eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 13 August 2015 and was assigned a provider.
24 August 2015	DIBP advised that Master X would not be considered for a Bridging visa while he was a minor.
28 August 2015	Lodged a SHEV application.
10 October 2016	Granted a SHEV.

### Health and welfare

International Health and Medical Services (IHMS) advised that Master X continued to receive treatment for multiple physical health issues including declining vision, a neck injury and gastrointestinal problems. Specialist review of his vision in June 2015 did not identify any defects and he was advised to attend a follow-up appointment in 12 months. In February 2015 his neck injury was reviewed with no further follow up recommended.

### Case status

Master X was detained on 21 February 2013 after arriving in Australia as an unaccompanied minor aged 14 aboard SIEV *Watburg* and has been held in detention for over three and a half years.

On 16 June 2015 the Minister lifted the bar under s 46A to allow Master X to apply for a temporary visa and on 28 August 2015 Master X lodged a SHEV application.

Master X was granted a SHEV on 10 October 2016 and released from detention.