

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 and his brother who have remained in immigration detention for more than 36 months (three years).

The first reports¹ 1002921 and 1002922 were tabled in Parliament on 25 November 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Master X (and brother)
Citizenship	Country A
Year of birth	1999

Family details

Family members	Master Y (brother)
Citizenship	Country A
Year of birth	2001

Ombudsman ID	1001695-O
Date of DIBP's reports	5 January 2016 and 4 July 2016
Total days in detention	1094 (at date of DIBP's latest report)

Detention history

5 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as unaccompanied minors aged 13 and 11 aboard Suspected Illegal Entry Vessel (SIEV) 773 <i>Lisman</i> . They were transferred to an Alternative Place of Detention (APOD), Christmas Island. ²
29 August 2013	Transferred to Darwin Airport Lodge APOD.
13 September 2013	Transferred to community detention.

Recent visa applications/case progression

2 September 2013	The former Minister intervened under s 197AB to allow Master X and his brother to reside in community detention.
13 March 2014	Department of Immigration and Border Protection (DIBP) notified Master X and his brother of the unintentional release of personal information ³ and advised that the privacy breach would be taken into account when considering their protection claims.

¹ Master Y was previously reported on separately from Master X because the DIBP provided separate 24-month reviews to the Ombudsman's office.

² DIBP did not provide the full detention history for Master X and his brother in its 24-month review.

³ 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

16 June 2015	The Minister lifted the bar under s 46A to allow Master X and his brother to lodge a temporary visa application.
9 July 2015	Master X and his brother were notified that they are eligible to receive the Primary Application Information Service to assist them with lodging a temporary visa application. They accepted the offer on 3 August 2015.
21 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) and associated Bridging visa application.
15 February 2016	Associated Bridging visa application was deemed invalid.

Health and welfare

International Health and Medical Services advised that Master X and Master Y have not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Case status

Master X and his brother were detained on 5 July 2013 after arriving in Australia as unaccompanied minors aged 13 and 11 aboard SIEV *Lisman*. They have been held in detention for over three years.

On 16 June 2015 the Minister lifted the bar under s 46A to allow Master X and his brother to apply for a temporary visa and on 21 December 2015 they lodged a SHEV application.

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.