

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

The first report 1003114 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.

Name	Master X
Citizenship	Country A
Year of birth	2002
Ombudsman ID	1002377-O
Date of DIBP's reports	29 October 2015, 27 April 2016 and 26 October 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

29 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 10 aboard Suspected Illegal Entry Vessel (SIEV) 679 <i>Fulham</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. ¹
24 June 2013	Transferred to Pontville APOD.
25 July 2013	Transferred to community detention.

Recent visa applications/case progression

17 July 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 ² and advised that the privacy breach would be taken into account when considering his protection claims.
9 May 2014	The Minister intervened under s 197AD to vary Master X's community detention address.
16 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.

¹ Master X arrived in Australia with his cousins Master Y and Mr Z. They were included in Ombudsman report 1003114 as a family group. As a result of lodging separate protection applications they are now the subject of separate Ombudsman's reports. Mr Z has been granted a bridging visa and released from detention.

² 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.

8 July 2015	Master X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 27 July 2015 and was assigned a PAIS provider.
18 September 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
13 September 2016	DIBP advised that Master X attended an interview in relation to his SHEV application.
DIBP advised that Master X will not be considered for the grant of a Bridging visa while he is a minor.	

Health and welfare

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

Case status

Master X was detained on 29 April 2013 after arriving in Australia as an unaccompanied minor aged 10 by sea and has been held in restricted detention for more than 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 18 September 2015 he lodged a TPV application. He has attended an interview in relation to that application.