

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 a half years).

The first report 1001892¹ was tabled in Parliament on 4 March 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Master X
Citizenship	Stateless (claimed), born in Country A
Year of birth	1999
Ombudsman ID	1003428
Date of DIBP's reports	26 March 2015, 16 September 2015 and 16 March 2016
Total days in detention	1,276 (at date of DIBP's latest report)

Recent detention history

17 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 13 ² aboard Suspected Illegal Entry Vessel (SIEV) 447 <i>Babbage</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
6 January 2013	Transferred to Darwin Airport Lodge APOD.
31 January 2013	Transferred to community detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, 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 were subject to the bar under s 46A.	
11 October 2013	Lodged a Protection visa application.
17 December 2013	Protection visa application deemed invalid as he was subject to the s 46A bar.
13 March 2014	DIBP notified Master X of the unintentional release of personal information. ³
13 August 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.
14 September 2015	DIBP invited Master X to lodge a temporary visa application.

¹ Master X was previously reported on in a group report of people who arrived on SIEV 447 *Babbage*.

² DIBP advised that Master X arrived in Australia with his two uncles, Mr Y and Mr Z and their families. Mr Y and his family have been released from detention and reside in the community and Mr Z and his family reside in community detention with Master X.

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 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.

16 November 2015	Master X requested an extension of time to lodge a temporary visa application.
16 March 2016	DIBP advised that following Master X's request to lodge a visa application independent to his uncle, DIBP is reassessing Master X's eligibility for the Primary Application and Information Service to assist him with lodging a temporary visa application.

Health and welfare

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Master X for the period 15 October 2014 to 15 April 2015.

IHMS advised that Master X has not required treatment for any major physical or mental health issues for the period 16 April 2015 to 4 February 2016.

Case status

Master X was detained on 17 September 2012 after arriving in Australia as an unaccompanied minor aged 13 aboard SIEV *Babbage* and has been held in detention for over three and a half years.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Master X to apply for a temporary visa and on 14 September 2015 DIBP invited Master X to apply.