

## REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the first s 486O report on Master X who has remained in immigration detention for more than 30 months (two and a half years).

<b>Name</b>	Master X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1998
<b>Ombudsman ID</b>	1002919
<b>Date of DIBP's reports</b>	13 July 2015 and 4 January 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

### Detention history

6 July 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) 776 <i>Ohatchee</i> . He was transferred to Phosphate Hill Alternative Place of Detention (APOD), Christmas Island.
25 July 2013	Transferred to an APOD, Christmas Island.
3 August 2013	Transferred to Pontville APOD.
19 September 2013	Transferred to community detention.

### 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.	
13 March 2014	Master X was notified of the unintentional release of personal information through DIBP's website. <sup>1</sup> DIBP advised that the matter will be taken into account in an International Treaties Obligations Assessment.
11 June 2015	His case was referred on a ministerial submission for consideration under s 46A to lift the bar.
16 June 2015	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
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.
1 October 2015	Master X accepted the PAIS offer and he has been assigned a PAIS provider to assist him in making a temporary visa application.

<sup>1</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.

12 November 2015	Lodged a Safe Haven Enterprise visa (SHEV) application which triggered an associated Bridging visa application.
17 December 2015	Bridging visa application was deemed invalid.

### Health and welfare

20 March 2014	International Health and Medical Services (IHMS) reported that during Master X's induction health assessment, he was noted to have a heart murmur. He was reviewed by a paediatric cardiologist. No abnormalities were identified and no further follow up was required.
8 July 2015 – ongoing	Referred to a psychologist following behavioural issues and an act of self-harm. He has received ongoing support and attends counselling as required.
19 August 2015	Taken to hospital following a cut on his head as a result of an alleged assault. He was treated and the wound was monitored by his general practitioner (GP).
3 September 2015	Presented to his GP with a red eye, swelling and a small cut to his head following an alleged assault. He received treatment and was cleared after no vision issues were reported.

### Other matters

DIBP advised that Master X has a brother, Mr Y, who arrived in Australia aboard SIEV *Forbes* on 9 September 2011 and was granted a Protection visa on 20 December 2011.

### Case status

Master X was detained on 6 July 2013 after arriving in Australia as an unaccompanied minor aged 14 aboard SIEV *Ohatchee* and has been held in detention for over two and a half years. On 16 June 2015 the Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application and on 12 November 2015 Master X lodged a SHEV application.