

# 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 30 months (two and a half years).

The first report 1003110<sup>1</sup> was tabled in Parliament on 25 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>	2001
<b>Ombudsman ID</b>	1002201-O
<b>Date of DIBP's report</b>	28 October 2015
<b>Total days in detention</b>	912 (at date of DIBP's report)

## Recent detention history

Since the Ombudsman's previous report (1003110), Master X has remained in community detention under the care of contracted service provider Life Without Barriers and resides with his 12-year-old cousin, Master Y,<sup>2</sup> who is the subject of Ombudsman report 1002200-O.

The Department of Immigration and Border Protection (DIBP) further advised that Master X's 19-year-old brother, Mr Z, and 22-year-old cousin, Mr Q, were granted Bridging visas on 22 October 2015 and are living in separate accommodation.

## Recent visa applications/case progression

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 of the *Migration Act 1958*.

13 March 2014	DIBP notified Master X of the unintentional release of personal information <sup>3</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
29 September 2014	The former Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
24 October 2015	Master X was invited to apply for a temporary visa. He was also notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.

<sup>1</sup> Master X was previously reported on in a family group report with his brother and two cousins.

<sup>2</sup> DIBP previously recorded Master X's relationship with Master Y as his uncle, until DIBP's review of 28 October 2015, which recorded the relationship as a cousin.

<sup>3</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.

### **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 with his older brother, Mr Z, and two cousins aboard Suspected Illegal Entry Vessel *Fulham* and has been held in detention for over two and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Master X to apply for a temporary visa and on 24 October 2015 Master X was notified that he is eligible to receive PAIS assistance. .