

## 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 36 months (three years).

The first report 1002721 as tabled in Parliament on 21 October 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>	2002
<b>Ombudsman ID</b>	1001529-O
<b>Date of DIBP's reports</b>	8 December 2015 and 7 June 2016
<b>Total days in detention</b>	1094 (at date of DIBP's latest report)

### Detention history

9 June 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) 739 <i>Yateley</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
24 June 2013	Transferred to Christmas Island Immigration Detention Centre.
23 July 2013	Transferred to Darwin Airport Lodge APOD.
5 September 2013	Transferred to community detention.

### Recent visa applications/case progression

29 August 2013	The former 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 <sup>1</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
29 September 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.
28 October 2015	Master X was notified he was eligible for the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 4 November 2015 and was assigned a provider on 5 February 2016.
14 March 2016	Master X lodged a Safe Haven Enterprise visa (SHEV) 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.

**Health and welfare**

International Health and Medical Services (IHMS) reported that Master X's school initiated a cognitive assessment in August 2015 to assess his intellectual capacity. He was referred to a paediatrician for review and management of his cognitive issues and on 23 September 2015 the paediatrician diagnosed Master X with an intellectual disability. IHMS advised that Master X is monitored by a general practitioner and no additional resources have been requested or recommended.

**Case status**

Master X was detained on 9 June 2013 after arriving in Australia as an unaccompanied minor aged 10 aboard SIEV *Yateley* and has been held in detention for over three 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 14 March 2016 Master X lodged a SHEV application.