

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 a cumulative period of more than 30 months (two and a half years).

Name	Master X
Citizenship	Country A
Year of birth	2001
Ombudsman ID	1003064
Date of DIBP's reports	27 July 2015 and 19 January 2016
Total days in detention	914 (at date of DIBP's latest report)

Previous detention history

29 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia with his family ¹ aboard Suspected Illegal Entry Vessel (SIEV) 679 <i>Fulham</i> . Master X was transferred to an Alternative Place of Detention (APOD), Christmas Island.
22 May 2013	The Department of Immigration and Citizenship advised that Master X and his family were 'screened out' as they did not raise claims that engage Australia's <i>non-refoulement</i> obligations and were involuntarily removed from Australia to Country A.

Detention history

19 July 2013	Detained under s 189(3) after arriving in Australia as an unaccompanied minor aged 12 aboard SIEV 796 <i>Rehobeth</i> . He was transferred to an APOD, Christmas Island.
25 July 2013	Transferred to Christmas Island Immigration Detention Centre.
26 July 2013	Transferred to an APOD, Christmas Island.
10 September 2013	Transferred to Darwin Airport Lodge APOD.
20 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	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.

¹ Master X arrived in Australia with three of his uncles and his cousin.

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.

16 June 2015	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.
8 July 2015	DIBP notified Master X that he was eligible to receive the Primary Application Information Service (PAIS) to assist in lodging a temporary visa application. He accepted the offer on 20 July 2015.
8 October 2015	Master X lodged an application for a Safe Haven Enterprise visa (SHEV) with an associated Bridging visa.
6 November 2015	Associated Bridging visa application was considered invalid.
10 December 2015	Master X attended an interview in relation to his SHEV application.

Health and welfare

5 December 2013	International Health and Medical Services (IHMS) advised that Master X was referred to a psychologist after the general practitioner noted that he was experiencing stress.
11 April 2014 – 24 April 2015	Master X attended regular psychological counselling sessions. The psychologist noted that Master X was experiencing grief and anxiety related to his separation from his parents, uncertainty about his future and situational stressors. He was provided with strategies to manage his symptoms and improvements were noted. IHMS advised that counselling was ongoing.
May 2015	Reviewed by a psychologist with no concerns identified. The psychologist reported that Master X was 'bright and reactive' and was enjoying school.

Other matters

20 October 2015	The Ombudsman's office commenced an investigation into the circumstances surrounding the involuntary removal of Master X and two other minors as their 24-month reviews stated that they had arrived in Australia as unaccompanied minors.
7 December 2015	DIBP advised that Master X arrived in Australia aboard SIEV <i>Fulham</i> with members of his family and had not arrived as an unaccompanied minor. DIBP further advised that Master X had been accompanied by his uncle during his involuntary removal from Australia to Country A. The investigation was finalised on 9 December 2015.

Case status

Master X was most recently detained on 19 July 2013 after arriving in Australia as an unaccompanied minor aged 12 aboard SIEV *Rehobeth* 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 apply for a temporary visa and on 8 October 2015 Master X lodged a SHEV application.