

## 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 1002796 was 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>	1999
<b>Ombudsman ID</b>	1001595-O
<b>Date of DIBP's reports</b>	14 December 2015 and 14 June 2016
<b>Total days in detention</b>	1276 (at date of DIBP's latest report)

### Detention history

14 December 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 13 aboard Suspected Illegal Entry Vessel (SIEV) 561 <i>Nacke</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
3 January 2013	Transferred to Leonora APOD.
29 January 2013	Transferred to Pontville APOD.
4 April 2013	Transferred to community detention.

### Recent visa applications/case progression

18 March 2013	The former Minister intervened under s 197AB to allow Master X to reside in community detention.
13 March 2014	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.
16 June 2015 and 30 June 2015	The Minister lifted the bar under s 46A to allow Master X 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. He accepted the offer on 15 July 2015 and was assigned a PAIS provider.
3 September 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.

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<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.

15 February 2016	Master X's case was referred to the Minister to consider revoking his community detention placement after he was convicted of a driving offence. The Minister revoked and subsequently reinstated his community detention placement and Master X remained in community detention.
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### **Criminal history**

6 December 2015	Master X was charged with unauthorised driving on a learner's permit and on 22 February 2016 his licence was suspended for three months. This matter is now finalised.
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### **Health and welfare**

International Health and Medical Services advised that Master X reported a history of wrist pain. Upon examination a cyst was reported and Master X was referred for a magnetic resonance imaging scan.

### **Other matters**

Master X's brother, Mr Y, resides lawfully in the community as a permanent resident of Australia.

### **Case status**

Master X was detained on 14 December 2012 after arriving in Australia aboard SIEV *Nacke* and has been held in detention for over three and a half years.

On 30 June 2015 the Minister lifted the bar under s 46A to allow Master X to apply for a temporary visa and on 3 September 2015 Master X lodged a SHEV application.