

## 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 48 months (four years).

The first report 1002657 was tabled in Parliament on 14 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>	Stateless (claimed), born in Country A
<b>Year of birth</b>	1 January 1999
<b>Ombudsman ID</b>	1003506
<b>Date of DIBP's reports</b>	13 October 2015, 18 April 2016 and 20 October 2016
<b>Total days in detention</b>	1468 (at date of DIBP's latest report)

### Detention history

13 October 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) 470 <i>Zeitz</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
6 January 2013	Transferred to Darwin Airport Lodge APOD.
4 March 2013	Transferred to community detention.

### Recent visa applications/case progression

22 February 2013	The former Minister intervened under s 197AB to allow Master X to reside in community detention.
7 September 2013	Master X lodged a Protection visa application. DIBP informed him on 8 November 2014 that his application was invalid because he was subject to the s 46A bar.
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	The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application.
9 July 2015	Master X was notified that he was eligible to receive the Primary Application Information Service (PAIS) to assist with lodging a temporary visa application. He accepted the offer on 14 July 2015 and was assigned a provider.

<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.

22 September 2015	Master X lodged a Safe Haven Enterprise visa (SHEV) application.
23 September 2016	DIBP's identity assessment determined that Master X's claimed identity was not supported.
DIBP advised that Master X will not be considered for the grant of a Bridging visa while he is a minor.	

### Health and welfare

International Health and Medical Services advised that in November 2015 Master X was diagnosed with asthma after presenting with ongoing symptoms of an upper respiratory tract infection. He was prescribed with medication and his condition is being managed by the general practitioner as required.

### Other matters

DIBP advised that Master X's brother, Mr Y arrived in Australia on SIEV *Jawa* on 17 March 2013 and resides in the community on a Bridging visa.

### Case status

Master X was detained on 13 October 2012 after arriving in Australia as an unaccompanied minor aged 13 aboard SIEV *Zeitz* and has been held in detention for over four 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 22 September 2015 Master X lodged a SHEV application.