

## 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 more than 24 months (two years).

<b>Name</b>	Master X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1999
<b>Ombudsman ID</b>	1003309
<b>Date of DIBP's report</b>	19 August 2015
<b>Total days in detention</b>	730 (at date of DIBP's report)

### Detention history

19 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 14 aboard Suspected Illegal Entry Vessel (SIEV) 836 <i>Trinity</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
15 December 2014	Transferred to Bladin APOD.
21 December 2014	Transferred to community detention.

### Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that Master X is part of a cohort who have not had their protection claims assessed as they arrived in Australia after 13 August 2012 and the Minister has not lifted the bar under s 46A(2).	
12 March 2014	Master X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. <sup>1</sup>

### Health and welfare

25 September 2013	International Health and Medical Services (IHMS) advised that Master X was identified as tuberculosis contact. A physical examination and chest x-rays were conducted with no abnormalities identified. His condition is monitored as per state policy.
27 March 2014	Master X presented to the mental health team after experiencing sleep disturbances and nightmares. He was assessed by a counsellor who noted that he was experiencing stress related to his prolonged detention and uncertain future. He attended counselling and his mental health is monitored by his general practitioner (GP).

<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.

16 November 2014	Master X presented to his GP with a history of ear blockages and ongoing ear pain. He was provided with ear drops and pain relief medication. On 29 November 2014 he was diagnosed with a middle ear infection and provided with exercises to open the ear canal. No further concerns have been raised in relation to this condition.
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### Other matters

28 March 2014	Master X lodged a complaint with Ombudsman staff while he was residing at Phosphate Hill APOD, Christmas Island, alleging that he was receiving inadequate health care and treatment for an eye condition. The Ombudsman conducted an investigation with DIBP which advised that Master X was reviewed by a GP on 8 April 2014 and received medical care consistent with community standards. On 27 October 2014 the Ombudsman finalised the complaint after being satisfied that Master X was receiving health care consistent with community standards.
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### Ombudsman assessment/recommendation

The Ombudsman notes that Master X was detained on 19 August 2013 after arriving in Australia as an unaccompanied minor aged 14 aboard SIEV *Trinity*. He has been held in detention for over two years with no processing of his protection claims.

The Ombudsman notes with concern that without an assessment of Master X's claims to determine if he is found to engage Australia's protection obligations, it appears likely that he will remain in detention for an indefinite period.

The Ombudsman notes the Minister's recent Statements to Parliament, in which he advises that DIBP is progressing the substantial caseload of maritime arrivals, and will provide him with advice to assist his consideration of whether to lift the bar to allow these people to lodge a Temporary Protection visa application.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Master X's protection claims commence as soon as possible.