

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 30 months (two and a half years).

Name	Master X
Citizenship	Country A
Year of birth	1997
Ombudsman ID	1002837
Date of DIBP's reports	24 December 2014 and 22 June 2015
Total days in detention	910 (at date of DIBP's latest report)

Detention history

24 December 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel (SIEV) 568 <i>Unipower</i> .
The Department of Immigration and Border Protection (DIBP) advised that Master X is currently residing in community detention.	

Visa applications/case progression

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).	
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Health and welfare

February 2013	International Health and Medical Services (IHMS) advised that Master X was diagnosed with hepatitis B following routine pathology. He remains asymptomatic and his condition is monitored by a specialist clinic.
May 2014	Master X presented to his general practitioner (GP) with ongoing leg pain and was prescribed with pain relief medication. He was referred to a chronic pain clinic and to a private physiotherapist, however IHMS declined these referrals as they were considered outside of community standards. IHMS advised that no further referrals have been provided.
31 July 2014	Presented to his GP with headaches and associated nausea and vomiting. He was referred for a magnetic resonance imaging (MRI) scan.
23 August 2014	An MRI scan was conducted with no abnormalities identified. Master X attended a follow-up appointment with his GP who noted that the headaches had improved and he was advised to take pain relief medication as required.

22 April 2015	Presented to his GP with symptoms consistent with asthma, including a dry cough. He was provided with a trial inhaler to manage his symptoms.
7 May 2015	Master X was referred to his GP by an Australian Red Cross caseworker following concerns about his appetite and stress symptoms. He was reviewed by his GP and referred for specialist counselling.
12 May 2015	Master X was referred to a psychologist after presenting with symptoms related to anxiety and depression. IHMS advised that this appointment remained outstanding at the time of its report.

Detention incidents

29 March 2015	A DIBP Incident Report recorded that Master X was involved in a physical altercation with another detainee resulting in a bruise to his arm. No further information was provided.
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Ombudsman assessment/recommendation

The Ombudsman notes that Master X was detained on 24 December 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Unipower*. He has been held in detention for over two and a half 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.