

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	1002803
Date of DIBP's reports	19 December 2014 and 22 June 2015
Total days in detention	915 (at date of DIBP's latest report)

Detention history

19 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) 567 <i>Tornax</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

December 2012	International Health and Medical Services (IHMS) advised that Master X was diagnosed with a heart murmur during his induction health assessment. He attended a specialist cardiac assessment in June 2014 and was considered asymptomatic. He was advised to attend a follow-up assessment in May 2016. His condition is monitored by his general practitioner.
10 January 2013	Disclosed a history of torture and trauma but declined specialist counselling.
April 2013	Master X was identified as a tuberculosis contact. Chest x-rays identified no abnormalities and he remains asymptomatic. His condition is monitored as per state policy.

Ombudsman assessment/recommendation

The Ombudsman notes that Master X was detained on 19 December 2012 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Tornax*. 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.