

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).

| | |
|--------------------------------|--------------------------------|
| Name | Master X |
| Citizenship | Country A |
| Year of birth | 1998 |
| Ombudsman ID | 1003199 |
| Date of DIBP's report | 10 August 2015 |
| Total days in detention | 732 (at date of DIBP's report) |

Detention history

| | |
|------------------|---|
| 8 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) 824 <i>Hayden</i> . He was transferred to Facility B. On the same day he was transferred to Facility C. |
| 15 August 2013 | Transferred to Facility B. |
| 29 August 2013 | Transferred to Facility C. |
| 15 December 2014 | Transferred to Facility D. |
| 29 December 2014 | Transferred to community detention. |

Visa applications/case progression

| | |
|-------------------|---|
| 18 September 2013 | The Department of Immigration and Border Protection (DIBP) advised that an age determination assessment was conducted following concerns about Master X's age based on interactions and observations. The assessment confirmed that Master X was under 18 years of age. |
| 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. ¹ |
| 16 June 2015 | The Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application. DIBP advised that Master X had not yet been invited to make an application. |
| 8 July 2015 | Master X was notified that he was eligible for the Primary Application Information Service for assistance in making a temporary visa application. |
| 5 August 2015 | Master X accepted the PAIS offer. |

¹ 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.

Health and welfare

| | |
|-------------------|---|
| 29 September 2013 | International Health and Medical Services (IHMS) advised that Master X presented to a general practitioner (GP) with back pain and mobility concerns. He was referred for an x-ray and advised to massage the area and take pain relief medication as required. |
| 25 November 2013 | Presented to a GP with a three-year history of a blocked nose and dry mouth. He was referred for an x-ray and was prescribed with medication. |
| February 2014 | An x-ray of his nasal bone was conducted with no abnormalities identified. He was referred to an ear, nose and throat (ENT) specialist for further investigation. |
| March 2014 | A back x-ray was conducted with no abnormalities identified. |
| May 2014 | Attended physiotherapy for treatment of his ongoing back pain and he was provided with back strengthening exercises. |
| June 2014 | Referred to an orthopaedic surgeon for review of his back pain and was prescribed with medication. |
| July 2014 | Attended a consultation with the ENT specialist who recommended that Master X undergo a surgical procedure to correct his nasal obstruction and improve his breathing. He was placed on a hospital waiting list and his condition is monitored by his GP. |
| 18 July 2014 | A DIBP Incident Report recorded that Master X threatened self-harm. No further information was provided. |
| 23 July 2014 | Master X disclosed a history of torture and trauma but declined specialist counselling. IHMS advised that he was referred to a psychologist after experiencing possible psychotic symptoms related to situational stress and his prolonged detention, including overwhelming nightmares. His psychologist referred him to a specialist counselling service and he was regularly reviewed by the mental health team and attended group therapy sessions. IHMS advised that his mental health continues to be monitored by his GP. |
| 12 August 2014 | Reviewed by an orthopaedic surgeon and was diagnosed with lower back pain. Master X was provided with a support belt and it was recommended that he continue to attend physiotherapy and practice non-impact exercises. |
| February 2015 | Attended a follow-up appointment with an orthopaedic specialist. The specialist noted that physiotherapy had not improved Master X's condition and he was referred for further testing. |

Detention incidents

| | |
|------------------|---|
| 19 November 2014 | A DIBP Incident Report recorded that Master X was allegedly threatened with sexual assault by another unaccompanied minor. No further information was provided. |
|------------------|---|

Other matters

| | |
|---------------|--|
| 16 March 2014 | <p>Master X lodged a complaint with Ombudsman staff while he was residing in Facility C, alleging that he was receiving inadequate health care and treatment for his medical conditions.</p> <p>The Ombudsman conducted an investigation with DIBP who advised that Master X had been placed on the public waiting list for corrective surgery and was referred for physiotherapy in May 2014. DIBP advised that the waiting times reflected community standards and the progress of the referrals was assessed regularly. The complaint was finalised on 9 July 2014.</p> |
| 28 March 2014 | <p>DIBP advised that Master X, together with others, lodged a group complaint with the Australian Human Rights Commission. This matter remains outstanding.</p> |

Case status

Master X was detained on 8 August 2013 after arriving in Australia as an unaccompanied minor aged 14 aboard SIEV *Hayden* and has been held in detention for over two years with no processing of his protection claims.

On 16 June 2015 the Minister lifted the bar under s 46A to allow Master X to lodge a temporary visa application. Master X is awaiting an invitation to apply for a temporary visa.