

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the fifth s 486O report on Master X who has remained in immigration detention for more than 78 months (six and a half years). The previous reports are:

1423/13 tabled in Parliament on 26 June 2013
 1001124 tabled in Parliament on 25 June 2014
 1001705 tabled in Parliament on 27 May 2015
 1002367-O tabled in Parliament on 14 September 2016.

This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Master X
Citizenship	Country A
Year of birth	1999
Ombudsman ID	1002367-O1
Date of DIBP's reports	12 July 2016 and 10 January 2017
Total days in detention	2370 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002367-O), Master X remained at Facility B.	
24 March 2016	Transferred to community detention as an unaccompanied minor as his family refused to accommodate him unless the family was relocated to another property. On 6 April 2016 he moved into a property with his family.
7 June 2016	The Department of Immigration and Border Protection (the department) advised that Master X was not residing with his family in community detention and was staying at another address. On 9 June 2016 the department arranged emergency accommodation with a provided carer, however he did not return to this property, thereby breaching his community detention conditions.
19 July 2016	Master X's community detention placement was revoked and he was transferred to Facility C.
22 July 2016	Absconded from restricted detention during transit.
26 July 2016	Located and returned to Facility C.
27 July 2016	Transferred to Facility D.
Master X's mother, brother and sister continue to reside in the community on Bridging visas.	

Recent visa applications/case progression

15 December 2016	Master X's mother, Ms Y, as his guardian, was issued with a Notice of Intention to Consider Refusal of her son's Safe Haven Enterprise visa (SHEV) under s 501 of the <i>Migration Act 1958</i> due to Master X's criminal history.
22 December 2016	Found not to meet the guidelines for referral to the Minister under s 195A.

Other legal matters

Since his release from Facility C on 24 March 2016 Master X was allegedly involved in a number of petty crimes including theft and possession of a firearm.	
1 July 2016	Master X completed 30 hours of community service as ordered on 3 November 2015.

Health and welfare

International Health and Medical Services advised that Master X required Supportive Monitoring and Engagement observations following an incident of self-harm. Follow up review by a psychiatrist assessed Master X as being at low risk of further self-harm.	
13 September 2016	An Incident Report recorded that Master X self-harmed.

Recent detention incidents

Incident Reports recorded that Master X was involved in multiple incidents of disturbance, involving difficulties with his family, as well as frequently leaving his designated residence and breaching his community placement conditions.	
---	--

Ombudsman assessment/recommendation

<p>Master X was detained on 16 July 2010 after arriving in Australia by sea and has been held in detention for more than six and a half years.</p> <p>On 25 August 2015 the Minister lifted the bar under s 46A to allow Master X and his family to apply for a temporary visa and on 4 November 2015 Master X's mother lodged an application for a SHEV with Master X listed as a dependant.</p> <p>The Ombudsman notes that Master X is a minor and has remained in detention for more than six and a half years. The Ombudsman further notes that Master X's family resides in the community.</p> <p>Given the circumstances, the Ombudsman recommends that Master X be considered for a community detention placement.</p>	
--	--