

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	1997
Ombudsman ID	1003209
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 15 aboard Suspected Illegal Entry Vessel (SIEV) 824 <i>Hayden</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
9 October 2013	Transferred to Darwin Airport Lodge APOD.
16 November 2013	Transferred to Bladin APOD.
22 December 2014	Transferred to community detention.
The Department of Immigration and Border Protection (DIBP) advised that Master X resides with his brother, Mr Y, who was granted a Protection visa on 19 October 2011.	

Visa applications/case progression

17 March 2013	Master X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ¹
9 April 2014	Master X was referred on a ministerial intervention submission under s 195A for consideration of a Bridging visa. On the same day, the Minister declined to intervene under s 195A.
30 June 2015	The former Minister lifted the bar under s 46A to allow Master X to lodge a valid visa application.
23 July 2015	Invited to lodge a Temporary Protection visa (TPV) application.
31 July 2015	Lodged a TPV application.

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

30 August 2013	International Health and Medical Services (IHMS) advised that during his induction health assessment Master X reported that he had dislocated his shoulder during a motor vehicle accident in his home country. He advised that he did not receive medical treatment at the time.
September 2013	Master X dislocated his shoulder on two occasions. He was admitted to hospital for treatment and referred to an orthopaedic specialist.
23 October 2013	Reviewed by a hospital orthopaedic team and referred for a magnetic resonance imaging (MRI) scan.
5 November 2013 – 10 December 2014	Attended 20 physiotherapist sessions.
22 November 2013 – 27 November 2013	Master X presented with symptoms related to post-traumatic stress disorder including anxiety, depression, mood swings, nightmares and flashbacks. He was placed on Psychological Support Program (PSP) observations during this period following withdrawn behaviour and school refusal. He was assessed by the mental health team and PSP observations were ceased after improvements were noted.
12 February 2014	The MRI scan identified a muscle tear in Master X's shoulder and associated instability in the shoulder joint. He was referred to a specialist for a surgical consultation.
7 March 2014 – 8 December 2014	Attended 34 specialist counselling sessions.
17 June 2014	IHMS advised that Master X signed consent forms for surgery and was placed on a hospital waiting list. He had not received a surgery date at the time of his transfer to community detention.
14 July 2014	Attended an appointment with a psychiatrist who recommended that he be transferred to community detention. The psychiatrist noted his age and the deterioration in his mental health.
14 August 2014 – 21 August 2014	Placed on PSP observations during this period following self-harming behaviour. IHMS further advised that following his transfer into community detention no concerns have been raised in relation to Master X's mental health.
21 May 2015	Referred for a surgical assessment by his general practitioner in the community. IHMS advised that he was placed on a hospital waiting list and it was awaiting confirmation of his surgery date at the time of its report.

Case status

The Ombudsman notes that Master X was detained on 8 August 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Hayden* and has been held in detention for over two years with no processing of his protection claims.

On 30 June 2015 the Minister lifted the bar under s 46A and on 31 July 2015 Master X lodged a TPV application. Master X is awaiting the outcome of his TPV application.