

**RESPONSE TO OMBUDSMAN'S REPORTS MADE UNDER  
SECTION 4860 OF THE MIGRATION ACT 1958**

**STATEMENT TO PARLIAMENT**

*General Comments*

I refer to the Commonwealth Ombudsman's reports tabled in Parliament today. I note that these reports comprise seventeen assessments relating to twenty-two people.

Of these twenty-two people, eight people have been granted visas and released from detention, and one person was removed from Australia.

At the time the Ombudsman wrote his assessments, sixteen of the twenty-two people remained in immigration detention. Of these sixteen:

- two have since been granted visas,
- four are undergoing Public Interest Criteria checks for the grant of a visa,
- four have an ongoing visa application being considered,
- four are included in the current review of all cases in detention,
- one is being considered separately under section 417
- one has been removed.

*Update on long term detainee review*

On 12 March 2008, I announced that I would review, in consultation with the Commonwealth Ombudsman, the cases of people who have been in immigration detention for more than two years.

On 23 May 2008, I announced the outcome of my review, after assessing the cases of 72 people held in immigration detention for longer than two years – 61 of whom had been detained for more than two years when I announced the review in March and a further 11 who required reports to the Commonwealth Ombudsman by the end of April 2008.

Underpinning my decisions in all of these cases were the principles that indefinite detention is not acceptable to this Government, and that those people who have no right to be in Australia are to be removed promptly.

My review of the 72 cases resulted in:

- 31 people being granted visas or considered for visa grants pending Public Interest Criteria (PIC) checks including health and security checks
- 24 people being placed on removal pathways, and
- another 17 people were subject to ongoing proceedings which meant that their status cannot be resolved at this time.

My Department has been working hard to implement these decisions. Of the 72 cases reviewed:

- the number of people subject to ongoing proceedings impeding the resolution of their status stands at 10 cases
- of the 40 people now on visa pathways, 35 have already been granted permanent or temporary visas, while 5 are progressing with their PIC checks. All of these 5 have been moved to lower security accommodation or have been granted Bridging visas pending the completion of their PIC checks, and
- of the 22 now on a removal pathway, 15 have already been removed.

#### *Review of current detention caseload*

I have asked my Department to review all current detainees and apply the same principles used during my long term detainee review to this caseload. More than 430 clients have been considered as part of this review, which is expected to be completed shortly.

#### *Responses to Ombudsman's Reports*

##### Statement 492/08

This person was granted a Bridging visa on 24 September 2008, and released from detention.

This person is now being considered for the grant of a Resident Return visa, and is undergoing Public Interest Criteria checks for the grant of the visa.

This person is receiving ongoing support through the Community Care Pilot to ensure his ongoing mental health needs are met.

##### Statement 493/08

This person was part of my review of long term detainees announced on 12 March 2008.

As part of my review of long term detainees, I decided to consider this person for a Global Special Humanitarian visa subject to Public Interest Criteria checks.

This person was granted a Global Special Humanitarian visa and released from detention on 23 October 2008.

##### Statement 494/08

This person was part of my review of long term detainees announced on 12 March 2008.

This person was granted a Global Special Humanitarian visa and released from detention on 8 December 2008.

Statement 495/08

This person was part of my review of long term detainees announced on 12 March 2008.

As part of my review of long term detainees, I deferred consideration of this person's case while broader s 501 policy considerations were finalised.

I am currently considering this person's case as part of a review of all cases in detention.

Statement 496/08

This person was part of my review of long term detainees announced on 12 March 2008.

As part of my review of long term detainees, I deferred consideration of this person's case case while broader s 501 policy considerations were finalised.

I am currently considering this person's case as part of a review of all cases in detention.

Statement 497/08

This person was part of my review of long term detainees announced on 12 March 2008.

This person is currently undergoing Public Interest Criteria checks for the grant of a Remaining Relative visa.

This person was granted a Bridging visa on 7 November 2008, and resides lawfully in the community.

Statement 498/08

This person was part of my review of long term detainees announced on 12 March 2008.

As part of my review of long term detainees, I agreed to the Department continuing to make removal arrangements for this person.

This person was removed from Australia on 5 December 2008.

Statement 499/08

This person was part of my review of long term detainees announced on 12 March 2008.

As part of my review of long term detainees, I decided to consider this person for a Global Special Humanitarian visa subject to Public Interest Criteria checks and agreed to this person being placed in community detention.

This person was placed into Community Detention on 24 April 2008.

Statement 500/08

This person was granted a Permanent Protection visa on 12 November 2008 and released from detention.

Statement 501/08

This family was placed into Community Detention on 16 January 2008.

On 18 December 2008, I decided to allow this family to lodge a Protection visa (PV) application.

This family applied for a PV on 24 December 2008. This application is being considered by the Department.

Statement 502/09

This person was included in a review of all cases in detention.

As part of this review, on 2 October 2008 I decided to consider this person for the grant of a Global Special Humanitarian visa subject to Public Interest Criteria checks.

This person was granted a Global Special Humanitarian visa and released from detention on 2 February 2009.

Statement 503/09

This family have been in Community Detention since late 2006.

As part of a review of all cases in detention, on 18 September 2008, I decided to consider the grant of Resident Return visas to this family, subject to Public Interest Criteria checks.

This family is currently undergoing Public Interest Criteria checks for the grant of the visas.

Statement 504/09

This person was granted a Permanent Protection visa on 15 September 2008 and released from detention.

Statement 505/09

I am considering this person's case as part of a review of all cases in detention.

This person's detention placement is subject to regular review, and changes will be made to this person's placement as appropriate.

Statement 506/09

I am considering this person's case as part of a review of all cases in detention.

Statement 507/09

This client was included in the review of all cases in detention. As part of the review, on 2 October 2008 I agreed for this person to remain in immigration detention, with a possible transfer into residential housing should this be assessed as appropriate.

This person's detention placement is subject to regular review, and changes will be made to this person's placement as deemed appropriate

I am now considering this person's case separately under my public interest powers.

Statement 508/09

This person was granted a Bridging visa on 24 December 2008 and released from detention.

This person was included in the review of all cases in detention. As part of this review, I agreed to the Department continuing to make removal arrangements for this person, subject to the outcome of this person's High Court appeal.

Should there be a delay in the High Court decision, I will review this person's circumstances.

This person is not currently eligible for permission to work, but has a guarantor in the community who is providing this person with support.



CHRIS EVANS  
Leader of the Government in the Senate  
Minister for Immigration and Citizenship  
Dated: 3/2/09