

**RESPONSE TO OMBUDSMAN'S REPORTS MADE UNDER  
SECTION 486O 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 seven assessments and relate to seven people.

Of these, three are in community detention while four remain in an Immigration Detention Centre (IDC).

Of the four people remaining in an IDC, one has an ongoing matter at the Administrative Appeals Tribunal (AAT); one has an ongoing s417/s48B Ministerial Intervention request before the Department; and two are on a removal pathway.

Of the three people in community detention, two have ongoing matters at the AAT; and one has an ongoing appeal before the Refugee Review Tribunal (RRT).

**Responses to Ombudsman's Reports**

Statement 574/09

This person remains in immigration detention.

This person's case was considered as part of my review of long term detainees announced on 12 March 2008 and subsequently included in a review of all cases in detention.

As part of the latter review, on 9 November 2008 I agreed to consider placing this person into community detention and this person was placed into community detention on 15 December 2008.

Since February 2009, this person has had an ongoing appeal before the Refugee Review Tribunal (RRT).

I have considered this person's case and consider his continued community detention placement is appropriate pending the outcome of the appeal to the RRT.

Statement 575/09

This person remains in immigration detention.

This person's case was referred to me on 6 February 2009 for consideration of my public interest powers.

On 26 February 2009, I decided that it was not in the public interest to intervene in this case and agreed to the Department continuing to make removal arrangements for this person.

This person was scheduled for removal on 24 April 2009, however on 15 April 2009 he was assessed at that time as being unfit to travel.

On 21 July 2009, this person lodged an application to the Federal Court (FC). On 13 October 2009, the FC remitted this person's case to the Administrative Appeals Tribunal (AAT) for reconsideration. This matter is still ongoing.

I have noted the Ombudsman's recommendations regarding this person. My Department is preparing advice for me to consider this person's circumstances.

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

Statement 576/09

This person remains in immigration detention.

This person was referred to me as 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.

This person's case was also referred to me on 28 May 2009 for consideration of my public interest powers. On 2 July 2009 I decided that it was not in the public interest to intervene in this case.

This person's removal from Australia remains dependent upon the renewal of his travel document which my Department is progressing as a priority. As part of this person's removal, a post removal support package will be provided.

Should this person's removal be delayed, their placement will be reviewed as appropriate.

Statement 577/09

This person remains in immigration detention.

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

As part of this review, on 25 November 2008 I agreed to consider placing this person into community detention and requested my Department to provide me with suitable conditions for this arrangement. These conditions were formulated but on 12 August 2009, I decided that it would not be in the public interest to intervene in this case.

This person has an ongoing s417/s48B Ministerial Intervention request before the Department. I have noted the Ombudsman's recommendations regarding this person. My Department will prepare advice for me to consider this person's circumstances.

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

Statement 578/10

This person remains in immigration detention.

This person is willing to return voluntarily, therefore my Department has not finalised the submission that was previously being prepared. This person's removal from Australia remains dependent upon the issuance of his travel document which my Department is progressing as a priority. As part of this person's removal, a post removal support package and assistance will be provided.

Should this person's removal be unreasonably delayed, this person's placement will be reviewed as appropriate and a submission finalised for my consideration if appropriate.

Statement 579/10

This person remains in immigration detention.

This person's case was referred to me for consideration of my public interest powers and on 24 June 2008, I agreed to lift the s46A bar and allow this person to apply for a Protection visa, which was subsequently refused.

I subsequently agreed to place this person into community detention on 6 April 2009.

This person has an ongoing matter before the Administrative Appeals Tribunal (AAT). Should the AAT affirm my Department's primary decision, my Department will prepare a further submission on this person's case for my consideration.

Statement 580/10

This person remains in immigration detention.

This person's case was referred to me for consideration of my public interest powers and on 24 June 2008, I agreed to lift the s46A bar and allow this person to apply for a Protection visa, which was subsequently refused.

I subsequently agreed to place this person into community detention on 6 April 2009.

This person has an ongoing matter before the Administrative Appeals Tribunal (AAT). Should the AAT affirm my Department's primary decision, my Department will prepare a further submission on this person's case for my consideration.

A handwritten signature in black ink, appearing to be 'Chris Evans', written in a cursive style.

CHRIS EVANS  
Leader of the Government in the Senate  
Minister for Immigration and Citizenship  
Dated: 9/3/10.