

**OMBUDSMAN'S REPORTS MADE UNDER SECTION 486O
OF THE MIGRATION ACT 1958 – ADDITIONAL CASES
– STATEMENT TO PARLIAMENT –**

General Comments

In addition to the assessments I tabled today, I would also like to provide an individual statement on a number of assessments previously tabled.

Statement 347/08

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. However, there is a current Federal Court injunction preventing his removal.

The Department is seeking to respond positively to the Ombudsman's recommendations in relation to this person.

Statement 348/08

This person's Permanent Resident visa was reinstated on 15 May 2008 as the result of a Federal Court decision.

Statement 349/08 and 454/08

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 30 May 2008.

Statement 350/08

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 deportation arrangements for this person.

This person was deported on 2 September 2008.

Statement 351/08

This person was granted a Five Year Resident Return visa on 1 November 2007.

Statement 352/08 and 449/08

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 23 May 2008.

Statement 353/08 and 388/08

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 25 June 2008.

Statement 354/08 and 387/08

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 and agreed to this person being placed in community detention.

This person was placed in community detention on 20 May 2008 and is currently undergoing Public Interest Criteria (PIC) checks for grant of a Global Special Humanitarian visa.

Statement 355/08

This person was granted a Remaining Relative visa on 18 October 2007.

Statement 356/08

This person was granted a Permanent Protection Visa on 21 August 2007.

Statement 357/08

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 and agreed to this person being placed in community detention.

This person was placed in community detention on 20 May 2008 and granted a Global Special Humanitarian visa on 28 August 2008.

Statement 358/08

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.

This person's Permanent Residence visa was reinstated and they were released from detention on 30 July 2008 as a result of the Sales decision.*

Statement 359/08 and 392/08

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 Removal Pending Bridging visa (RPBV) and agreed to this person being placed in community detention.

This person was placed in community detention on 29 April 2008. This person is undergoing Public Interest Criterion (PIC) checks for grant of the RPBV.

Statement 361/08

This person was granted a Permanent Protection visa on 17 January 2008.

Statement 362/08

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 24 May 2008.

Statement 363/08

This person was granted a Permanent Protection visa on 27 August 2007.

Statement 364/08

This person was granted a Resolution of Status visa on 14 August 2008. This person was previously granted a Temporary Protection visa on 4 March 2008.

Statement 365/08

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 1 May 2008.

Statement 367/08 and 393/08

This person was placed in community detention on 3 January 2007.

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 permanent visa. This person is undergoing Public Interest Criterion (PIC) checks for grant of the visa.

Statement 370/08

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 that this person's Protection visa process should continue.

This person was granted a Permanent Protection visa on 16 May 2008.

Statement 371/08

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 granting this person a Global Special Humanitarian visa.

This person was granted a Bridging visa on 13 June 2008, and was granted a Global Special Humanitarian visa on 4 September 2008.

Statement 375/08

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 and agreed to this person being placed in community detention.

This person was placed in community detention on 9 May 2008. This person is undergoing Public Interest Criterion (PIC) checks for grant of the Global Special Humanitarian visa.

Statement 383/08

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 case while processes were completed.

This person's litigation is now finalised. On 5 September 2008, the Department referred a submission for my consideration. I have agreed that this person should remain in detention pending removal.

Statement 384/08 and 406/08

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 case.

This person remains in an Immigration Detention Centre. I will shortly be considering this case in a submission being finalised by the Department.

Statement 386/08

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 case.

This person was placed in community detention on 15 July 2008. I will shortly be considering this case in a submission being finalised by the Department

Statement 389/08

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 15 May 2008.

Statement 390/08

This person was placed in community detention on 21 June 2007.

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 case.

I will shortly be considering this case in a submission being finalised by the Department.

Statement 391/08

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 granting this person a Global Special Humanitarian visa.

This person was granted a Global Special Humanitarian visa on 4 September 2008.

Statement 395/08

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 case.

This person's Permanent Residence visa was reinstated and they were released from detention on 21 July 2008 as a result of the Sales decision.*

Statement 396/08

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 case due to ongoing processes.

This person is detained in Immigration Residential Housing.

Statement 397/08

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 case.

This person's Permanent Residence visa was reinstated and they were released from detention on 21 July 2008 as a result of the Sales decision.*

Statement 398/08

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 lift the section 48B bar to allow the person to submit another Protection visa application and agreed to place the person in community detention.

This person was placed in community detention on 20 June 2008. This person was granted a Permanent Protection visa on 9 September 2008.

Statement 399/08

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.

Statement 402/08

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 case.

This person's Permanent Residence visa was reinstated and they were released from detention on 21 July 2008 as a result of the Sales decision.*

Statement 403/08

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.

This person was granted a Global Special Humanitarian visa on 21 August 2008.

Statement 404/08

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.

Statement 405/08

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 that this person's ongoing Protection visa process should continue and agreed to place the person in community detention.

This person was placed in community detention on 16 May 2008. This person was granted a Resolution of Status visa on 2 September 2008. This person was previously granted a Temporary Protection visa on 5 June 2008.

Statement 407/08

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.

This person was granted a Global Special Humanitarian visa on 20 June 2008.

Statement 408/08

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 lift the section 48B bar to allow the person to submit another Protection visa application and agreed to place the person in community detention pending the resolution of ongoing processes.

This person was placed in community detention on 20 June 2008.

Statement 409/08

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 and agreed to this person being placed in community detention.

This person was placed in community detention on 24 April 2008. This person is currently undergoing Public Interest Criteria (PIC) checks for grant of a Global Special Humanitarian visa.

Statement 410/08

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 case.

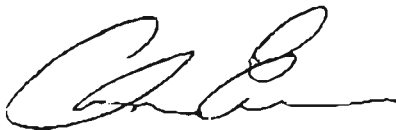
This person remains in an Immigration Detention Centre. I will shortly be considering this case in a submission being finalised by the Department.

Statement 411/08

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.

This person was granted a Global Special Humanitarian visa on 20 June 2008.



CHRIS EVANS
Leader of the Government in the Senate
Minister for Immigration and Citizenship
Dated: 23/9/8

* *Sales* decision: The Full Federal Court in *Sales v Minister for Immigration and Citizenship* [2008] FCAFC 132 on 17 July 2008 affirmed the obiter reasoning in *Moore v Minister for Immigration and Citizenship* [2007] FCA 626 and found that a Transitional (Permanent) visa cannot be cancelled on character grounds (s 501 of the Migration Act 1958) because it is a visa that is "held" rather than "granted". As a result of the judgment some 23 people were released from immigration detention.

Recent amendments to the Migration Act, effective 19 September 2008, operate to re-enliven the original decisions to cancel in 15 of these 23 cases. These people have again become unlawful non-citizens and are liable for detention and removal from Australia. The Department is reconsidering the remaining 8 people for cancellation under s.501.