

**RESPONSE TO OMBUDSMAN'S ASSESSMENTS MADE UNDER SECTION 486O
OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 61 assessments refer to 104 people who have been in immigration detention for two or more years. Of these, 21 assessments pertaining to 53 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessments: 1003030 and 1003035

I note the Ombudsman's recommendations. These people have lodged their Protection visa applications and are currently residing lawfully in the community on Bridging E visas.

2. Tabling statement for assessments: 1002530, 1002803, 1002837 and 1002838

I note the Ombudsman's recommendation. I have intervened under section 46A of the *Migration Act 1958* to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have lodged applications for Temporary Protection visas or Safe Haven Enterprise visas.

3. Tabling statement for assessment: 1001934, 1002653, 1002737 and 1002757

I note the Ombudsman's recommendation. I have intervened under section 46A of the *Migration Act 1958* to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have been invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa. These people are currently residing lawfully in the community on Bridging E visas.

4. Tabling statement for assessments: 1002883, 1002895, and 1003299

I note the Ombudsman's recommendation. I have intervened under section 46A of the *Migration Act 1958* to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have been invited to apply for Temporary Protection visas or Safe Haven Enterprise visas.

5. Tabling statement for assessments: 1002134 and 1002854

I note the Ombudsman's recommendations. I have intervened under section 46A of the *Migration Act 1958* to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people are currently residing lawfully in the community on Bridging E visas.

6. Tabling statement for assessment: 1002591

I note the Ombudsman's recommendation. I have intervened under section 46A of the *Migration Act 1958* to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. One of the people has lodged an application for a Safe Haven Enterprise visa and has included her dependent in this application. The remaining person has been invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa. These people are currently residing lawfully in the community on Bridging E visas.

7. Tabling statement for assessments: 1002000 and 1002651 and 1003056

I note the Ombudsman's recommendation. The department has commenced processing the substantial legacy caseload of illegal maritime arrivals. The department will provide me with advice in relation to consideration of my power, to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application, in due course. These people are currently residing lawfully in the community on Bridging E visas.

8. Tabling statement for assessment: 1002313

I note the Ombudsman's recommendations. The department has assessed the cohort of Yongah Hill detainees. The department has commenced the relocation of identified detainees to a separate compound based on risk. This person has been assessed as being appropriately placed.

9. Tabling statement for assessment: 1002794

I note the Ombudsman's recommendations. The department has assessed the cohort of Yongah Hill detainees. The department has commenced the relocation of identified detainees to a separate compound based on risk. This person has been assessed as being appropriately placed and I have intervened under section 46A of the *Migration Act 1958* to lift the bar to allow this person to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. This person has lodged an application for Safe Haven Enterprise visa.

10. Tabling statement for assessments: 1002052, 1002074, 1002120, 1002151, 1002152, 1002160, 1002222, 1002238, 1002282, 1002314, 1002318, 1002330, 1002362, 1002372, 1002376, 1002383, 1002391, 1002458, 1002505, 1002534, 1002548, 1002671, 1002822, 1002830, 1002853, 1002871, 1003032, 1003034, 1003052, 1003058, 1003059, 1003065, 1003066, 1003169, 1003176, 1003199, 1003209, 1003216, 1003301, 1003370

I note that the Ombudsman has made no recommendations in relation to these cases.

(original signed by Peter Dutton)

THE HON PETER DUTTON MP
Minister for Immigration and Border Protection
20/01/2016