

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 37 / 2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 37 / 2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 19 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to five cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1000023-O3.

I note the Ombudsman's recommendations. The Department is preparing a submission for the Minister of Home Affairs under section 501 of the *Migration Act 1958* (the Act), for his indication as to whether he would consider refusing this person's visa application on character grounds.

The Department has also initiated an assessment of this person against my section 195A guidelines. If they meet the requirements, they will be referred for my consideration under section 195A of the Act for the grant of a bridging visa.

2. Tabling statement for case: 1000319-O2.

I note the Ombudsman's recommendation. This person's case was included as part of a group submission which was referred to the former Assistant Minister to brief her on a number of long-term detention cases. The former Assistant Minister indicated that this person's case should be referred for consideration under the Ministerial intervention powers.

This person is currently facing criminal charges. While these matters remain before the court, the Department will not be referring this person's case to me for my consideration under section 195A of the Act for the grant of a bridging visa.

3. Tabling statement for case: 1002334-O3, 1002486-O2 and 1002522-O2.

I note the Ombudsman's recommendations. I am mindful of the circumstances of these families as they are transitory people who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, these families remain subject to return to a regional processing country on completion of their medical treatment.

They are currently residing in the community under a residence determination, made under section 197AB of the Act, which provides the best level of support to the families while their children remain under school age.

The Department is regularly reviewing transitory persons residing in the community under a residence determination and, with the exception of the most vulnerable or those who represent security or community protection concerns, may refer these cases to me under section 195A of the Act for the consideration of the grant of a bridging visa.

4. Tabling statement for cases: 000510-O3, 1002163-O3, 1002177-O4, 1002673-O2 and 1002986-O.

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

(Original signed by David Coleman)

THE HON DAVID COLEMAN MP
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

22/ 10 / 2019