

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 38 / 2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 38 / 2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 12 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to one case.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1002991-O.

I note the Ombudsman's recommendation. I am mindful of the circumstances of this family as they are transitory people who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, they 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 *Migration Act 1958* (the Act), which provides the best level of support to the family while they have a child 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.

**2. Tabling statement for cases: 1000785-O3, 1001820-O3, 1002687-O2,
1002873-O2, 1002912-O2, 1002974-O, 1003055-O, 1003082-O and 1003088-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

21/10 / 2019