

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 8 / 2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 8 / 2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 22 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to seven cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1001253-O2.

I note the Ombudsman's recommendation. This person's placement has been reviewed by the Department and a transfer to another facility is not possible at this time due to capacity issues.

This person is able to communicate with their support network via email, telephone and skype.

2. Tabling statement for case: 1001665-O3.

I note the Ombudsman's recommendation and I am mindful that the Department is currently planning this person's removal from Australia. The Department will continue to review this person's case and, if their circumstances change, prepare a submission for my consideration under the Ministerial intervention powers.

3. Tabling statement for case: 1002632-O1.

I note the Ombudsman's recommendation. I am mindful of the circumstances of this person, as he is a transitory person who has been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, this person remains subject to return to a regional processing country (RPC) on completion of medical treatment.

This person is currently residing in the community under a residence determination made under section 197AB of the *Migration Act 1958* (the Act), which provides the most support while undergoing medical treatment.

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 case: 1002878-O.

I note the Ombudsman's recommendations. I am mindful of the circumstances of this family, as they are transitory persons who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, this family remains subject to return to an RPC 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 family 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.

5. Tabling statement for case: 1002892-O.

I note the Ombudsman's recommendations. The Department is preparing a submission for my consideration under section 195A and section 48B of the Act.

6. Tabling statement for case: 1002901-O.

I note the Ombudsman's recommendation. This person was recently granted a bridging visa and is residing lawfully in the Australian community.

7. Tabling statement for case: 1002915-O.

I note the Ombudsman's recommendations. This person's case has been found not to meet the guidelines for referral to me for consideration under sections 195A and 197AB of the Act for the grant of a bridging visa or a placement in the community under a residence determination.

To ensure this person's care and treatment is optimised, the Department engaged an independent specialist to review their circumstances and make recommendations around treatment, management and placement.

8. Tabling statement for cases: 1002725-O1, 1002776-O2, 1002792-O1, 1002803-O2, 1002820-O1, 1002821-O1, 1002879-O1, 1002927-O, 1002953-O, 1002972-O, 1002979-O, 1002983-O, 1003003-O.

I note that the Ombudsman 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

03 / 09 / 2019