

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

STATEMENT TO PARLIAMENT - No. 14 / 2017

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 50 assessments refer to 78 people who have been in immigration detention for two or more years. Of these, 34 assessments pertaining to 62 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000319-O.

I note the Ombudsman's recommendations. This person's case is being assessed for possible referral to me for my consideration under section 195A of the *Migration Act 1958* (the Act) for the grant of a Bridging E visa. Pending the outcome, this person may be considered for a community detention placement.

2. Tabling statement for assessment: 1000557-O.

I note the Ombudsman's recommendation. I have recently considered this person's case under section 195A of the Act for the grant of a Bridging E visa, and declined to intervene. This person is currently being assessed against the section 197AB guidelines for a possible referral to me for a community detention placement.

3. Tabling statement for assessment: 1000633-O.

I note the Ombudsman's recommendation. This person is currently being assessed against the section 195A guidelines for a possible referral to me for a Bridging E visa. This person has been found not to meet the guidelines for consideration of a community detention placement. The department continues to work towards removal of this person.

4. Tabling statement for assessment: 1001058-O.

I note the Ombudsman's recommendation. This person's case has been referred to me for my consideration under section 195A of the Act for the grant of Bridging E visa.

5. Tabling statement for assessment: 1001288-O1.

I note the Ombudsman's recommendation. This person's case has been reviewed. The department is progressing their removal from Australia and as such, considers their current placement appropriate.

6. Tabling statement for assessment: 1001306-O.

I note the Ombudsman's recommendation. The department is currently preparing a submission to refer this person's case under section 195A of the Act for the grant of a Bridging E visa.

7. Tabling statement for assessment: 1001489-O.

I note the Ombudsman's recommendation. This person has requested to be removed from Australia. Consideration of the grant of a Bridging E visa under section 195A of the Act is not appropriate while their removal process is progressed. This person's case may be reconsidered should their circumstances change.

8. Tabling statement for assessment: 1001921-O.

I note the Ombudsman's recommendations. This person has been found not to meet the guidelines against section 195A of the Act for the grant of a Bridging E visa. As such, this person was not referred to me for my consideration. A placement was sought for this person at a mainland facility; however, a transfer is currently not possible due to capacity issues at this time.

9. Tabling statement for assessment: 1001981-O.

I note the Ombudsman's recommendation. I have considered this person's case under section 195A of the Act, and declined to intervene. As there has been no significant changes in this person's case, further consideration under section 195A of the Act is not appropriate at this time.

10. Tabling statement for assessment: 1002359-O1.

I note the Ombudsman's recommendation. The department has commenced arrangements for this person's removal from Australia and as such, consideration of this person's case under section 195A of the Act for the grant of a Bridging E visa is not appropriate at this time.

11. Tabling statement for assessment: 1002366-O1.

I note the Ombudsman's recommendation. This person has voluntarily departed Australia.

12. Tabling statement for assessment: 1002470-O.

I note the Ombudsman's recommendation. This person is currently being assessed against the section 195A guidelines for a possible referral to me for a Bridging E visa.

13. Tabling statement for assessment: 1002471-O.

I note the Ombudsman's recommendations. I have varied this person's community detention placement to enable better access to family support and medical treatment. This person arrived after 19 July 2013, and was transferred to a regional processing centre. This person has since been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings this person is subject to return to a regional processing centre on completion of the treatment.

14. Tabling statement for assessment: 1002480-O.

I note the Ombudsman's recommendations. This person has been found not to meet the guidelines against section 195A of the Act for the grant of a Bridging E visa. As such, this person was not referred to me for my consideration. The department continues to consider this person's immigration status.

15. Tabling statement for assessment: 1002520-O.

I note the Ombudsman's recommendation. A placement was sought for this person at a Melbourne facility; however, a transfer is currently not possible due to capacity issues.

16. Tabling statement for assessment: 1002522-O.

I note the Ombudsman's recommendations. These people have identified for assessment against the guidelines under section 197AB of the Act for a possible referral to vary their community detention placement. These people arrived after 19 July 2013, and were transferred to a regional processing centre. These people have since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination while they remain in Australia.

17. Tabling statement for assessment: 1002218-O1, 1002476-O.

I note the Ombudsman's recommendations. I have intervened under section 197AB of the Act to allow these people to reside in community detention. These people arrived after 19 July 2013 and were transferred to a regional processing centre. These people have since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination while they remain in Australia.

18. Tabling statement for assessments: 1002205-O1; 1002380-O1; 1002384-O1; 1002386-O1; 1002460-O; 1002465-O; 1002482-O; 1002494-O; 1002495-O; 1002506-O; 1002510-O; 1002527-O; 1002528-O; 1002537-O; 1002563-O; 1002678-O.

I note the Ombudsman's recommendations. These people arrived after 19 July 2013, and were transferred to a regional processing centre. These people have since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination while they remain in Australia.

19. Tabling statement for assessment: 1000525-O; 1000958-O1; 1001246-O; 1001295-O; 1001322-O; 1001339-O; 1001428-O1; 1001676-O1; 1001930-O; 1001934-O; 1001952-O; 1002017-O; 1002156-O; 1002177-O; 1002364-O1; 1002591-O.

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
11/09/2017