

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 9 / 2019 MADE UNDER  
SECTION 486O OF THE *MIGRATION ACT 1958***

**STATEMENT TO PARLIAMENT - No. 9 / 2019**

*General Comments*

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 23 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to three cases.

*Response to the Commonwealth Ombudsman's assessment*

**1. Tabling statement for case: 1002869-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 a regional processing country (RPC) 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 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.

**2. Tabling statement for case: 1002912-O1.**

I note the Ombudsman's recommendation. This person was found deceased on 13 July 2019. I express my condolences to his family and friends.

The death is a matter for the Coroner and it would be inappropriate to further comment on this case.

**3. Tabling statement for case: 1003017-O.**

I note the Ombudsman's recommendation. I recently considered this person's case under section 195A of the Act for the grant of a bridging visa and declined to intervene. The Department will continue to regularly review this person's case.

**4. Tabling statement for cases: 1000857-O3, 1001736-O3, 1002201-O4, 1002373-O4, 1002810-O2, 1002854-O, 1002899-O1, 1002939-O, 1002957-O, 1002977-O, 1002978-O, 1002982-O, 1002999-O, 1003010-O, 1003012-O, 1003016-O and 1003027-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