

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 30/2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 30/2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 10 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: 1001280-O2

I note the Ombudsman's recommendations. The health and welfare needs of this person and their placement have been carefully considered. International Health and Medical Services (IHMS) has made no clinical recommendation supporting a Tier 4 specialised detention placement for this person.

This person has been transferred to a lower security compound where appropriate services are in place for the treatment and management of their mental health.

I recently declined to consider this person under section 195A of the *Migration Act 1958* (the Act) for the consideration of the grant of a bridging visa and under section 46A of the Act to lift the bar to allow this person to lodge further bridging visa applications.

2. Tabling statement for case: 1002636-O1

I note the Ombudsman's recommendations. This person has advised the Department they no longer wish to transfer to a facility in Melbourne closer to their family and support network. They continue to have email, phone and skype access to their family and support networks.

The Department is initiating an assessment of this case against the section 197AB guidelines for consideration of the approval of a community placement under a residence determination (RD). If a community placement is approved, this person advised the Department they do not wish to reside in Melbourne.

3. Tabling statement for case: 1002759-O1

I note the Ombudsman's recommendation. The Department is preparing a submission for my consideration under section 195A of the Act for the grant of a bridging visa.

4. Tabling statement for case: 1002846-O

I note the Ombudsman's recommendations. I am mindful of the circumstances of this person, as they are 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 on completion of their medical treatment.

This person is currently residing in the community under an RD, which provides the best level of support while they have a child under school age.

This person confirmed to the Department that they do not wish to vary their current residential address. The Department recently approved the temporary stay of a family member at this person's residence.

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: 1003081-O

I note the Ombudsman's recommendation. The health and welfare needs of this person and their placement have been carefully considered. IHMS has made no clinical recommendation supporting a Tier 4 specialised detention placement or an alternate placement for this person.

This person is currently located in a low-security facility, in close proximity to their family, and appropriate services are in place for the treatment and management of their physical and mental health.

6. Tabling statement for cases: 1000875-O3, 1001250-O2, 1002536-O1, 1002647-O2 and 1002966-O1

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

23 / 09 / 2019