

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

STATEMENT TO PARLIAMENT – No. 15 / 2016

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 50 assessments refer to 117 people who have been in immigration detention for two or more years. Of these, 32 assessments pertaining to 80 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1001428-O

I note the Ombudsman's recommendation. I have intervened under section 197AB of the Act to allow this person to reside in community detention.

2. Tabling statement for assessment: 1002214-O

I note the Ombudsman's recommendation. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been transferred back to Australia. The Department continues to identify options to manage this person's immigration status.

3. Tabling statement for assessment: 1002228-O

I note the Ombudsman's recommendation. The department's health services provider has arranged to meet this person to address this issue and will arrange a replacement hearing aid, if required.

4. Tabling statement for assessment: 1002345-O

I note the Ombudsman's recommendation. I have recently considered this person's case under section 197AB of the Act, for a community detention placement, and declined to intervene. All of this person's circumstances, including health information, were taken into account. In line with my section 195A guidelines, such cases would not be referred to me under section 195A, where I have recently considered the case under Ministerial intervention guidelines and in the absence of a change of circumstances.

5. Tabling statement for assessment: 1003395

I note Ombudsman's recommendation. In March 2016, I considered this person's case under section 195A of the Act and declined to intervene. The department is reviewing this person's case for re-referral to me under sections 195A and 197AB of the Act for the grant of a Bridging E visa or a community detention placement.

6. Tabling statement for assessment: 1003449

I note the Ombudsman's recommendation. The department has referred this person's case to me for my consideration under s195A of the Act for the grant of a Bridging E visa.

7. Tabling statement for assessments: 1002420

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people lodged an application for a Safe Haven Enterprise visa. The department refused the application. The Immigration Assessment Authority has affirmed the department's decision. These people have sought judicial review. These people have been granted Bridging E visas and are currently residing lawfully in the community.

8. Tabling statement for assessments: 1003217

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow this person to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. This person lodged an application for a Safe Haven Enterprise visa. The department refused the application. This person has been referred to the Immigration Assessment Authority for review. This person has been granted a Bridging E visa and is currently residing lawfully in the community.

9. Tabling statement for assessments: 1003239

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people lodged an application for a Temporary Protection visa. The department refused the application. These people were referred to the Immigration Assessment Authority for review. The Immigration Assessment Authority has remitted their case to the department for reconsideration. These people have been granted Bridging E visas and are currently residing lawfully in the community.

10. Tabling statement for assessments: 1002628, 1002660

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have lodged an application for a Temporary Protection visa or a Safe Haven Enterprise visa. These people have been granted a Temporary Protection visa or Safe Haven Enterprise visa and are residing lawfully in the community.

11. Tabling statement for assessments: 1002698, 1002723, 1002774, 1002776, 1002828, 1003249, 1003346

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have been invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa. These people have been granted Bridging E visas and are currently residing lawfully in the community.

12. Tabling statement for assessments: 1002595, 1002768, 1002831, 1003070, 1003133

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have also been granted Bridging E visas and are currently residing lawfully in the community.

13. Tabling Statement for assessments: 1002650, 1003017, 1003233, 1003244, 1003298, 1003310, 1003324, 1003347, 1003349

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have lodged an application for a Temporary Protection visa or a Safe Haven Enterprise visa. These people have been granted Bridging E visas and are currently residing lawfully in the community.

14. Tabling statement for assessments: 1001040-O, 1001333-O, 1002217-O, 1002234, 1002359, 1002389, 1002472, 1002475, 1002546, 1002734, 1002813, 1002817, 1003088, 1003146, 1003275, 1003376, 1003386, 1003486.

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
12 / 09 / 2016