

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 14 / 2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 14 / 2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 33 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to six cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1002397-O2.

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 (RPC) on completion of their medical treatment.

I recently considered this person's case and made a residence determination under section 197AB of the *Migration Act 1958* (the Act). This placement provides the best level of support for this person's ongoing medical concerns.

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: 1002458-O2.

I note the Ombudsman's recommendations. I am mindful of the circumstances of this family as they are transitory people 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, while the family has children under school age. The Department is preparing a submission under section 197AD of the Act for my consideration to vary this family's current residential location.

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.

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3. Tabling statement for cases: 1002533-O2, 1002547-O2 and 1002666-O1.

I note the Ombudsman's recommendations. I am mindful of the circumstances of these families as they are transitory people who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, these families remain subject to return to an RPC on completion of their medical treatment.

These families 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.

4. Tabling statement for case: 1002926-O1.

I note the Ombudsman's recommendations. This case has been reviewed by the Department. A transfer to a facility closer to this person's support network is not possible at this time due to capacity issues.

This person is able to communicate with family via emails, letters, phone calls and skype.

13. Tabling statement for cases: 1000727-O3, 1002177-O3, 1002200-O4, 1002391-O2, 1002399-O2, 1002581-O2, 1002645-O1, 1002861-O1, 1002884-O1, 1002923-O1, 1002929-O, 1002996-O, 1003011-O, 1003020-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

09/09 /2019