

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 23/2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 23/2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 38 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to nine cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for assessment: 1002322-O2, 1002507-O2 and 1002720-O1

I note the Ombudsman's recommendation. I am mindful of the circumstances of these people as they are transitory persons who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, these people remain subject to return to a regional processing country (RPC) on completion of their medical treatment.

These people are currently residing in the community under a residence determination, which provides the best level of support whilst they have ongoing medical treatment.

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 *Migration Act 1958* (the Act) for the consideration of the grant of a bridging visa.

2. Tabling statement for assessment: 1002343-O3, 1002509-O2 and 1003047-O

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.

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 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.

3. Tabling statement for assessment: 1002371-O3

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 to the family while their children remain under school age.

International Health and Medical Services (IHMS) have taken steps to expedite the specialist appointments for the members of this family. The family members' medical conditions continue to be actively managed through general practitioner treatment and medication.

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 assessment: 1002598-O1

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 to the family while their children remain under school age. This case was found not to meet the guidelines for referral to me for my consideration to vary the family's community placement under a residence determination. A change in location was not medically supported by IHMS.

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 assessment: 2000001-O1

I note the Ombudsman's recommendation. The Department is currently assessing this person's case against the section 195A guidelines for referral to me for consideration of the grant of a bridging visa.

6. Tabling statement for assessment: 1001232-O4, 1001970-O3, 1002314-O3, 1002506-O1, 1002701-O1, 1002715-O1, 1002943-O, 1003040-O, 1003072-O and 1003073-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