

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 28/2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 28/2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 12 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: 1001775-O3

I note the Ombudsman's recommendation. This person has been granted a visa and is currently residing lawfully in the Australian community.

2. Tabling statement for case: 1002022-O2

I note the Ombudsman's recommendation. The Department reviewed this person's case. This person's family reside overseas and the person maintains contact with a community member in Melbourne. The Department has determined that a transfer to Melbourne is not possible at this time, due to capacity issues.

This person continues to have email, phone and skype access to their family and support networks.

3. Tabling statement for case: 1002569-O2

I note the Ombudsman's recommendation. I recently considered this person's case and declined to intervene under section 195A of *the Migration Act 1958* (the Act) to grant a bridging visa.

4. Tabling statement for case: 1002572-O2

I note the Ombudsman's recommendation. I am mindful of the circumstances of this person, as this person is 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.

The Department is preparing a submission for my consideration under section 197AB of the Act to make a residence determination for this person.

5. Tabling statement for case: 1002963-O

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, these families remain subject to return to a 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 preparing a submission for my consideration under section 197AD of the Act to vary the residence determination of this family to enable them to reside closer to their support network

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.

6. Tabling statement for case: 1002940-O

I note the concerns raised by the Ombudsman relation to this case. This person has been convicted of domestic violence offences and been refused a visa under section 501 of the Act. They have no ongoing matters before the Department, tribunals or the courts and are on an involuntary removal pathway.

This person has been transferred to a facility located closer to their family and support network. The Department has also initiated an assessment of this person against my section 195A guidelines. If they meet the requirements, the Department will prepare a submission for my consideration to grant a bridging visa.

7. Tabling statement for cases: 1002765-O1, 1002940-O, 1003033-O, 1003064-O and 1003086-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
16/09 /2019