

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

STATEMENT TO PARLIAMENT– No.16 / 2016

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 47 assessments refer to 82 people who have been in immigration detention for two or more years. Of these, 23 assessments pertaining to 50 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000853-O.

I note the Ombudsman's recommendations. The department has arranged for the health service provider to prioritise this person's medical appointment in regard to his surgery. This person is being assessed against section 197AB guidelines for possible referral to me for a placement in community detention.

2. Tabling statement for assessment: 1002197-O.

I note the Ombudsman's recommendations. The department has arranged for the health service provider to meet with this person to ensure he is provided with information in regard to his health status. 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: 1002236-O.

I note the Ombudsman's recommendations. I have recently considered this person's case under section 197AB of the Act for a community detention placement, and declined to intervene. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been transferred back to Australia. In line with current policy and legislation settings, this person is subject to return to a regional processing centre on completion of their temporary transfer.

4. Tabling statement for assessment: 1002239-O.

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

5. Tabling statement for assessment: 1002267-O.

I note the Ombudsman's recommendations. 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. The department has reviewed this person's current placement and at this time considers it appropriate.

6. Tabling statement for assessment: 1003293.

I note the Ombudsman's recommendation. 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 has lodged an application for a Safe Haven Enterprise visa. This person has been granted Bridging E visas and is currently residing lawfully in the community.

7. Tabling statement for assessment: 1003325.

I note the Ombudsman's recommendation. 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. 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.

8. Tabling statement for assessment: 1003075.

I note the Ombudsman's recommendation. I have intervened under sections 46A and 46B of the Act to lift the bars 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.

9. Tabling statement for assessment: 1002226-O, 1002255-O.

I note the Ombudsman's recommendations. These people arrived after 19 July 2013 and were transferred to a regional processing centre. These people have since been transferred back to Australia for medical treatment. Under current policy and legislative settings, these people remain subject to return to a regional processing centre on completion of their treatment.

10. Tabling statement for assessment: 1002241-O, 1002242-O, 1002265-O, 1002275-O.

I note the Ombudsman's recommendations. These people arrived after 19 July 2013 and were transferred to a regional processing centre. These people have since been transferred back to Australia. The Department continues to identify options to manage these people's immigration status.

11. Tabling statement for assessment: 1002424, 1002773, 1002791, 1002806.

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 located lawfully in the community.

12. Tabling statement for assessment: 1002166, 1002727, 1002770, 1002971, 1003085.

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 granted Bridging E visas and are currently located lawfully in the community.

13. Tabling statement for assessments: 1001130-O, 1001678-O, 1001810-O, 1001961-O, 1001963-O, 1002251-O, 1002284-O, 1002295-O, 1002337-O, 1002433, 1002465, 1002491, 1002503, 1002542, 1002864, 1002867, 1003041, 1003289, 1003378, 1003439, 1003465, 1003476, 1003485, 1003519.

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
09 / 09 / 2016