

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

STATEMENT TO PARLIAMENT - No. 2 / 2018

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 26 assessments refer to 40 people who have been in immigration detention for two or more years. Of these, 13 assessments pertaining to 20 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000023-O1.

I note the Ombudsman's recommendations. I have recently considered this person's case against section 195A of the *Migration Act 1958* and declined to intervene. As there has been no significant change in the person's case, further consideration under section 195A of the Act is not appropriate at this time. This person's detention placement has been reviewed and a transfer to a Sydney facility is not possible at this time, due to capacity issues.

2. Tabling statement for assessment: 1000109-O1.

I note the Ombudsman's recommendations. This person's detention placement has been reviewed and a transfer to Sydney or Melbourne facility is not possible at this time due to capacity issues. The department has prioritised its investigation into this person's identity by escalating this case to an internal identity taskforce. The department continues to seek this person's cooperation in resolving this issue.

3. Tabling statement for assessment: 1001929-O.

I note the Ombudsman's recommendation. This person remains a person of interest to the External Agency.

4. Tabling statement for assessment: 1002118-O1.

I note the Ombudsman's recommendations. This person's visa application is currently undergoing assessment. The department is considering refusal of their visa under s501 of the *Migration Act 1958*. Community placement considerations are not appropriate until the assessment is finalised. This person's welfare and education needs are currently met within the existing programs and activities schedule available to all detainees.

5. Tabling statement for assessment: 1002273-O1.

I note the Ombudsman's recommendations. One of the family members has been referred to me for consideration under s197AB of the *Migration Act 1958* for a possible community detention placement. These people arrived after 19 July 2013 and were transferred to a regional processing centre (RPC). They have since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination

while they remain in Australia. One of the family members is a plaintiff in an ongoing court proceeding.

6. Tabling statement for assessment: 1002331-O1.

I note the Ombudsman's recommendations. The department's health and medical service provider is liaising with the department in relation to ongoing support for this person to care for her son and newly born baby. These people arrived after 19 July 2013 and were transferred to an RPC. They have since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination while they remain in Australia. Two of the family members are plaintiffs in an ongoing court proceeding.

7. Tabling statement for assessment: 1002420-O1, 1002688-O.

I note the Ombudsman's recommendations. These people have been granted Bridging E visas and are residing lawfully in the community. These people are able to seek appropriate support and medical services in the community. One of these people is a plaintiff in an ongoing court proceeding.

8. Tabling statement for assessments: 1002304-O1, 1002312-O1, 1002330-O1, 1002519-O1, and 1002614-O.

I note the Ombudsman's recommendations. These people arrived after 19 July 2013 and were transferred to an RPC. They have since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination while they remain in Australia. Some of these people are plaintiffs in ongoing court proceedings.

9. Tabling statement for assessment: 1000594-O, 1000766-O1, 1001032-O1, 1001037-O1, 1001271-O1, 1001966-O1, 1002157-O1, 1002568-O, 1002576-O, 1002608-O, 1002625-O, 1002643-O, 1002658-O.

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
05 / 02 / 2018