

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 24/2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 24/2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 26 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to 10 cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1000153-O2

I note the Ombudsman's recommendation. This person was removed from Australia on 24 July 2019.

2. Tabling statement for cases: 1002416-O2 and 1002460-O2

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 a regional processing country (RPC) on completion of their medical treatment.

These families are currently residing in the community under residence determinations, made under section 197AB of the *Migration Act 1958* (the Act), which provides the best level of support to the families 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 cases: 1002443-O2, 1002611-O1 and 1002707-O1

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

These individuals are currently residing in the community under residence determinations made under section 197AB of the Act, 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 Act for the consideration of the grant of a bridging visa.

4. Tabling statement for case: 1002843-O

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 an RPC on completion of their medical treatment.

This person is currently residing in the community under a residence determination, which provides the best level of support whilst they have ongoing medical treatment. I have recently considered this person's case and made a variation to their residence determination under section 197AD of the Act so they may reside with a family member in the community.

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 case: 1002960-O

I note the Ombudsman's recommendation. This person's case was recently assessed as not meeting the guidelines for referral to me under section 195A of the Act for my consideration to grant a bridging visa.

6. Tabling statement for case: 1002961-O

I note the Ombudsman's recommendation. The Department is currently preparing a submission under section 195A of the Act for my consideration of the grant of a bridging visa to this person.

7. Tabling statement for case: 1003028-O

I note the Ombudsman's recommendation. This person made a request to be transferred to their current facility in December 2018. They have not requested a further transfer since that time.

The Department has reviewed this person's case and determined that a transfer is not possible due to capacity issues.

This person is able to communicate with their support network via email, telephone and skype.

8. Tabling statement for cases: 1001302-O3, 1001899-O1, 1002608-O2, 1002714-O2, 1002732-O2, 1002747-O2, 1002862-O1, 1003061-O, 1003074-O and 1003079-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