

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 29/2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 29/2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 11 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to four cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1000894-O1

I note the Ombudsman's recommendations. This person's case was included as part of a group submission referred to the former Assistant Minister to brief her on a number of long-term detention cases. The former Assistant Minister indicated that this person's case should not be referred for my consideration under the Ministerial intervention powers of the *Migration Act 1958* (the Act).

The Department has reviewed this person's placement and transferred them to a lower security facility to support the management of their health and welfare.

2. Tabling statement for case: 1002854-O1

I note the Ombudsman's recommendation. A submission in this case was referred under section 195A of the Act for my consideration of a bridging visa. As this person's removal from Australia is imminent, the submission has been withdrawn.

3. Tabling statement for case: 1002954-O

I note the Ombudsman's recommendation. The Department initiated an assessment of this case against my section 195A and 197AB guidelines. If this person meets the requirements, a submission will be referred for my consideration to grant a bridging visa or approve a community placement under a residence determination.

4. Tabling statement for case: 1003001-O

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 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 Act for the consideration of the grant of a bridging visa.

5. Tabling statement for cases: 1002051-O2, 1002215-O2, 1002756-O2, 1002865-O1, 1003077-O and 1003083-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