

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 32/2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 32/2019

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 five cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1001947-O2

I note the Ombudsman's recommendations. The health and welfare needs of this person and their significant incident history have been carefully considered.

Appropriate services are in place for the treatment and management of this person's physical and mental health in their current placement. International Health and Medical Services (IHMS) has made no clinical recommendation supporting a Tier 4 specialised or community placement for this person.

The former Assistant Minister considered this person's case and decided they should not be referred for consideration of a community placement under section 197AB of the *Migration Act 1958* (the Act).

The Department will continue to review the health and welfare needs of this person and will consider alternate arrangements if they cannot be met in their current placement.

2. Tabling statement for case: 1002499-O2

I note the Ombudsman's recommendation. The Department is initiating a further assessment of this person's case against my section 195A guidelines. If this person meets the requirements, a submission will be referred for my consideration under section 195A of the Act to grant a bridging visa.

3. Tabling statement for case: 1002528-O2

I note the Ombudsman's recommendation. I am mindful of the circumstance of this family, 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 (RPC) on completion of their medical treatment.

This family is currently residing in the community under a residence determination, which provides the best level of support while 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: 1002880-O

I note the Ombudsman's recommendation. I am mindful of the circumstance 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 while they have ongoing medical treatment.

The Department is regularly reviewing transitory person's 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: 1002985-O1

I note the Ombudsman's recommendation. The Department is initiating a further assessment of this person's case against my section 197AB guidelines. If this person meets the requirements, a submission will be referred for my consideration under section 197AB of the Act to approve a community placement under a residence determination.

6. Tabling statement for cases: 000090-O, 1000940-O2, 1001842-O3, 1002959-O and 1003063-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

04/10/ 2019