

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

STATEMENT TO PARLIAMENT – No.13 / 2016

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 45 assessments refer to 81 people who have been in immigration detention for two or more years. Of these, 10 assessments pertaining to 22 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1002233-O.

I note the Ombudsman's recommendation. This person was transferred to a regional processing centre. This person has since been temporarily transferred back to Australia. Under current policy and legislative settings, this person remains subject to return to an RPC. This person is being assessed against section 197AB guidelines for possible referral to me for a community detention placement.

2. Tabling statement for assessment: 1003157.

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 Temporary Protection visa. The department has refused this application. This person's case has been referred to the Immigration Assessment Authority for review. This person's case has been referred to me for my consideration under sections 195A of the Act for the grant of a Bridging E visa and 197AB for a community detention placement.

3. Tabling statement for assessment: 1003203.

I note the Ombudsman's recommendation. This person has refused to agree to conditions necessary for the inclusion on a submission for my consideration under section 195A for the grant of a Bridging E visa. The department will continue to seek to progress this person for Bridging E visa consideration.

4. Tabling statement for assessment: 1003264.

I note the Ombudsman's recommendation. This person's placement was reviewed and the Department has found that a transfer to a Melbourne facility is not appropriate.

5. Tabling statement for assessment: 1002378, 1002946.

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 Safe Haven Enterprise visa application. These people have been granted Safe Haven Enterprise visas and are currently located lawfully in the community.

6. Tabling statement for assessment: 1003108, 1003341.

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.

7. Tabling statement for assessment: 1002940, 1003380.

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 lodged an application for a Temporary Protection visa. These people have been granted Bridging E visas and are currently located lawfully in the community.

8. Tabling statement for assessment/s: 1001647, 1002064, 1002203-O, 1002204-O, 1002262, 1002359, 1002374, 1002451, 1002500, 1002536, 1002658, 1002659, 1002843, 1002905, 1003038, 1003040, 1003116, 1003153, 1003198, 1003221, 1003243, 1003288, 1003290, 1003295, 1003312, 1003319, 103357, 1003358, 1003375, 1003383, 1003419, 1003421, 1003428, 1003434, 1003494 .

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
29 / 08 / 2016