

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

STATEMENT TO PARLIAMENT - No. 4 / 2017

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 76 assessments refer to 104 people who have been in immigration detention for two or more years. Of these, 20 assessments pertaining to 24 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000846-O.

I note the Ombudsman's recommendation. The department is progressing the reassessment of this persons' case.

2. Tabling statement for assessment: 1001264-O.

I note the Ombudsman's recommendation. Progress is occurring in regard to this person's partner visa application. Arrangements are in place to allow this person's child to have regular visitation access. Due to security concerns other visitation arrangements are not considered appropriate at this time.

3. Tabling statement for assessments: 1001292-O.

I note the Ombudsman's recommendations. I have recently considered this person's case under section 195A of the Act for the grant of a Bridging E visa and declined to intervene. This person has not since presented with any vulnerabilities that would suggest a need for an alternative placement.

4. Tabling statement for assessment: 1001305-O.

I note the Ombudsman's recommendation. This person does not currently have any matters before the department or tribunal. I have asked the department to consider this person's removal from Australia. I will not consider this person for a bridging visa at this time.

5. Tabling statement for assessment: 1001710-O.

I note the Ombudsman's recommendation. This person has been granted a Temporary Protection visa and is currently residing lawfully in the community in Victoria.

6. Tabling statement for assessments: 1001728-O.

I note the Ombudsman's recommendation. The department has requested its health service provider prioritise this person's medical appointment.

7. Tabling statement for assessments: 1001805-O.

I note the Ombudsman's recommendation. The department has requested its health service provider prioritise this person's medical appointment. This person's pending medical appointments were taken into account when considering their placement.

8. Tabling statement for assessments: 1001857-O.

I note the Ombudsman's recommendation. The department has reviewed this person's placement and considers it appropriate. This person and their family have been assessed as meeting the section 195A guidelines and will be referred to me for my consideration.

9. Tabling statement for assessments: 1002015-O.

I note the Ombudsman's recommendation. These people have been granted Temporary Protection visas and are currently residing lawfully in the community.

10. Tabling statement for assessments: 1002324-O.

I note the Ombudsman's recommendation. The department has requested its health service provider provide further advice to this person on the management of their medical condition. This person's placement has been reviewed by the appropriate stakeholders and at this time the department considers their placement appropriate. The department continues to identify options to manage this person's immigration status.

11. Tabling statement for assessments: 1002325-O.

I note the Ombudsman's recommendation. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been temporarily transferred to Australia. The department continues to identify options to manage this person's immigration status.

12. Tabling statement for assessments: 1002370-O.

I note the Ombudsman's recommendation. This person is on a removal pathway and at this time the department does not consider referral to me for the grant of a Bridging visa appropriate.

13. Tabling statement for assessments: 1002376-O.

I note the Ombudsman's recommendation. This person has met the section 197AB guidelines and will now be referred to me for my consideration of a community detention placement. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been temporarily transferred to Australia for medical treatment. Under current legislative and policy settings this person remains subject to return to a regional processing centre on completion of their treatment.

14. Tabling statement for assessments: 1002381-O.

I note the Ombudsman's recommendation. The department has reviewed this person's placement and considers it appropriate. This person's placement will be reviewed following the completion of their legal matters.

15. Tabling statement for assessment: 1002383-O.

I note the Ombudsman's recommendation. I have recently considered this person's case under section 195A of the Act for the grant of a Bridging E visa and declined to intervene.

16. Tabling statement for assessment: 1002519-O.

I note the Ombudsman's recommendations. This person has refused to agree to the conditions associated with an assessment for a community detention placement. The department continues to follow-up this matter as a priority. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been temporarily transferred to Australia for medical treatment. Under current legislative and policy settings this person remains subject to return to a regional processing centre on completion of their treatment.

17. Tabling statement for assessment: 1002315-O, 1002365-O, 1002523-O, 1002525-O.

I note the Ombudsman's recommendations. These people arrived after 19 July 2013 and were transferred to a regional processing centre. These people have since been temporarily transferred to Australia for medical treatment. Under current legislative and policy settings these people remain subject to return to a regional processing centre on completion of their treatment.

18. Tabling statement for assessments: 1000675-O, 1000758-O, 1000897-O, 1001029-O, 1001032-O, 1001037-O, 1001041-O, 1001131-O, 1001271-O, 1001332-O, 1001379-O, 1001645-O, 1001646-O, 1001659-O, 1001697-O, 1001829-O, 1001830-O, 1001832-O, 1001834-O, 1001842-O, 1001847-O, 1001856-O, 1001864-O, 1001906-O, 1001917-O, 1001978-O, 1002108-O, 1002132-O, 1002135-O, 1002136-O, 1002149-O, 1002157-O, 1002163-O, 1002166-O, 1002196-O, 1002276-O, 1002284-O1, 1002313-O, 1002318-O, 1002326-O, 1002336-O, 1002361-O, 1002362-O, 1002368-O, 1002372-O, 1002375-O, 1002377-O, 1002378-O, 1002387-O, 1002396-O, 1002524-O, 1002678, 1003388, 1003479, 1003499, 1003506.

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
27/02/2017