

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

## STATEMENT TO PARLIAMENT

### *General Comments*

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 71 assessments refer to 119 people who have been in immigration detention for two or more years. Of these, 44 assessments pertaining to 79 detainees contained recommendations.

### *Response to the Commonwealth Ombudsman's assessments*

#### **1. Tabling statement for assessments: 1002219.**

I note the Ombudsman's recommendation. This person was reviewed by the department's health provider in August 2015 and is receiving appropriate treatment. I declined this person's request for Ministerial Intervention under section 417 of the *Migration Act 1958* (the Act). This person is affected by a recent judgement handed down at the Federal Circuit Court. The department is currently reviewing how this judgement will impact protection obligations assessment processes. This person has been assessed and transferred to a low to medium security accommodation. This person's case progression is delayed due to the complexity in the investigation of his identity.

#### **2. Tabling statement for assessments: 1002322.**

I note the Ombudsman's recommendation. The department is reviewing this person's records to determine their identity and will update departmental records as appropriate.

#### **3. Tabling statement for assessment: 1002363.**

I note the Ombudsman's recommendation. This person has an adverse security assessment and will remain in held detention, rather than live in the community, until such time that a durable solution for individuals with adverse security assessments is found.

#### **4. Tabling statement for assessments: 1002406.**

I note the Ombudsman's recommendation. The department regularly engages with detainees and careful and appropriate consideration is given to their placements to ensure the safe and secure management of the detention network. This person has been moved from Christmas Island to Wickham Point Alternative Place of Detention.

#### **5. Tabling statement for assessments: 1002772.**

I note the Ombudsman's recommendations. 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 been invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa. The department is currently considering this person's case against section 195A of the Act for referral to me for my consideration to grant a Bridging E visa.

**6. Tabling statement for assessments: 1002814.**

I note the Ombudsman's recommendation. The department is not aware of any significant vulnerability that would warrant referral of this person for consideration of a community detention placement. This person does not meet the guidelines for consideration of the grant of a Bridging E visa.

**7. Tabling statement for assessment: 1002790, 1002829.**

I note the Ombudsman's recommendations. The department has commenced the relocation of identified detainees at Yongah Hill to a separate compound based on risk. 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 applications for a Safe Haven Enterprise visa.

**8. Tabling statement for assessments: 1002010.**

I note the Ombudsman's recommendations. These people have lodged an application for a Temporary Protection visa. The department confirms that priority is being given to processing the TPV application.

**9. Tabling statement for assessment: 1002810.**

I note the Ombudsman's recommendation. The department has commenced processing the substantial legacy caseload of illegal maritime arrivals. The department will provide me with advice in relation to consideration of my power, to allow this person to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application, in due course. This person has been granted a Bridging E visa and is currently residing lawfully in the community.

**10. Tabling statement for assessments: 1003215.**

I note the Ombudsman's recommendation. The department has commenced processing the substantial legacy caseload of illegal maritime arrivals. The department will provide me with advice in relation to consideration of my power, to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application, in due course.

**11. Tabling statement for assessments: 1002805, 1002925, 1003002, 1003073, 1003184 and 1003193.**

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 applications for a Temporary Protection visa or a Safe Haven Enterprise visa.

**12. Tabling statement for assessment: 1002635, 1002641, 1003245 and 1003316.**

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 applications for a Temporary Protection visa. These people have been granted a Bridging E visas and are currently residing lawfully in the community.

**13. Tabling statement for assessment: 1002060, 1002061, 1002637, 1003057 and 1003170.**

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 a Bridging E visas and are currently residing lawfully in the community.

**14. Tabling statement for assessment: 1002783, 1002787, 1003009, 1003010, 1003025, 1003051, 1003185, 1003210, 1003214 and 1003222.**

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.

**15. Tabling statement for assessment: 1002792, 1002807, 1002808, 1002809, 1002968, 1003020, 1003022 and 1003023.**

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 granted a Bridging E visas and are currently residing lawfully in the community.

**16. Tabling statement for assessments: 1002133, 1002180, 1002227, 1002279, 1002312, 1002340, 1002348, 1002394, 1002461, 1002469, 1002470, 1002474, 1002506, 1002619, 1002690, 1002874, 1002876, 1002891, 1002906, 1003000, 1003033, 1003095, 1003190, 1003207, 1003414, 1003432 and 1003433.**

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  
22 / 02 / 2016