

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

STATEMENT TO PARLIAMENT – No. 18 / 2016

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 50 assessments refer to 115 people who have been in immigration detention for two or more years. Of these, 38 assessments pertaining to 95 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1001784-O.

I note the Ombudsman's recommendation. This person has been transferred to Yongahill Immigration Detention Centre.

2. Tabling statement for assessment: 1002252.

I note the Ombudsman's recommendation. This person has been referred to me for my consideration under section 195A of the *Migration Act 1958* (the Act) for the grant of a Bridging E visa.

3. Tabling statement for assessment: 1000051-O, 1003457.

I note the Ombudsman's recommendation. The department is reviewing these people's cases for possible referral to me for consideration under sections 195A and 197AB of the Act for the grant of a Bridging E visa or a community detention placement.

4. Tabling statement for assessments: 1002213-O, 1002320-O.

I note the Ombudsman's recommendation. These people arrived after 19 July 2013 and were transferred to a regional processing centre. These people have since been transferred back to Australia. The department continues to identify options to manage these people's immigration status.

5. Tabling statement for assessments: 1003163, 1003164.

I note the Ombudsman's recommendation. The department is currently preparing a submission for my consideration to lift the section 46A bar to allow these people to apply for a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have been granted Bridging E visas and are currently residing lawfully in the community.

6. Tabling statement for assessments: 1002832, 1002886, 1002932, 1003092.

I note the Ombudsman's recommendation. 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 Bridging E visas and are currently residing lawfully in the community.

7. Tabling statement for assessments: 1002221-O, 1002889, 1003006, 1003069, 1003125, 1003128, 1003251, 1003276.

I note the Ombudsman's recommendation. 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 residing lawfully in the community.

8. Tabling statement for assessments: 1002948, 1003098, 1003123, 1003141, 1003252, 1003294, 1003303, 1003305, 1003336, 1003343, 1003345.

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 or a Safe Haven Enterprise visa. These people have been granted Bridging E visas and are currently residing lawfully in the community.

9. Tabling statement for assessment: 1002788, 1003330.

I note the Ombudsman's recommendation. 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 or a Safe Haven Enterprise visa. The department refused the application. These people were referred to the Immigration Assessment Authority for review. These people have been granted Bridging E visas and are currently residing lawfully in the community.

10. Tabling statement for assessment: 1002290, 1002941.

I note the Ombudsman's recommendation. 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 or a Safe Haven Enterprise visa. The department refused the application. These people were referred to the Immigration Assessment Authority for review. The Immigration Assessment Authority has remitted their case to the department for reconsideration. These people have been granted Bridging E visas and are currently residing lawfully in the community.

11. Tabling statement for assessment: 1003144, 1003246, 1003261.

I note the Ombudsman's recommendation. These people have been granted Safe Haven Enterprise visas and currently residing lawfully in the community.

12. Tabling statement for assessments: 1002246-O, 1002412, 1002726, 1003016, 1003060, 1003061, 1003242, 1003266, 1003279, 1003308, 1003531, 1003458.

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
09 / 09 / 2016