

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

STATEMENT TO PARLIAMENT - No. 21 / 2016

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 50 assessments refer to 67 people who have been in immigration detention for two or more years. Of these, 11 assessments pertaining to 13 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1001583-O

I note the Ombudsman's recommendation. This person has been found not to meet the guidelines under section 195A and 197AB of the *Migration Act 1958* (the Act) for the grant of a Bridging E visa or a community detention placement. As such, this person has not been referred to me for my consideration.

2. Tabling statement for assessment: 1001575-O

I note the Ombudsman's recommendation. This person has lodged an application for a Safe Haven Enterprise visa. I have intervened under section 195A to grant a bridging E visa and this person is now residing lawfully in the community.

3. Tabling statement for assessment: 1002162-O

I note the Ombudsman's recommendation. This person has been transferred to a facility in Melbourne to receive further developmental and family support.

4. Tabling statement for assessment: 1002562

I note the Ombudsman's recommendation. The department has confirmed that priority has been given to this person's case. A submission is being prepared for my consideration.

5. Tabling statement for assessment: 1002908

I note the Ombudsman's recommendation. The department is preparing a submission under section 46A of the Act for my consideration 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 referred to me for my consideration under section 195A of the Act for the grant of a Bridging E visa.

6. Tabling statement for assessment: 1003269

I note the Ombudsman's recommendation. The department was progressing the transfer of this person as per the Ombudsman's recommendation. However, I have intervened under section 195A to grant a bridging E visa and this person is now residing lawfully in the community.

7. Tabling statement for assessment: 1003369

I note the Ombudsman's recommendation. The department has reviewed this person's records. Based on this review, the department has updated this person's records to clarify their criminal status.

8. Tabling statement for assessment: 1003412

I note the Ombudsman's recommendation. I have intervened under section 46A and section 46B 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 granted a Bridging E visa and is currently residing lawfully in the community.

9. Tabling statement for assessments: 1003420

I note the Ombudsman's recommendation. I have intervened under section 46A and section 46B 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. This person has been granted a Bridging E visa and is currently residing lawfully in the community.

10. Tabling statement for assessments: 1003504

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.

11. Tabling statement for assessment: 1003256

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. These people have been granted Bridging E visas and are currently residing lawfully in the community.

12. Tabling statement for assessments: 1001345-O, 1001353-O, 1001506-O, 1001521-O, 1001526-O, 1001572-O, 1001584-O, 1001590-O, 1001821-O, 1001880-O, 1001882-O, 1001911-O, 1001938-O, 1001942-O, 1002046-O, 1002088-O, 1002202-O, 1002220-O, 1002259-O, 1002261-O, 1002272-O, 1002277-O, 1002285-O, 1002456, 1002543, 1002691, 1002696, 1003148, 1003338, 1003363, 1003374, 1003389, 1003404, 1003409, 1003424, 1003477, 1003505, 1003515, 1003520.

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
17 / 10 / 2016