

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

STATEMENT TO PARLIAMENT - No. 4 / 2018

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 25 assessments refer to 34 people who have been in immigration detention for two or more years. Of these, 14 assessments pertaining to 23 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1001292-O1.

I note the Ombudsman's recommendation. This person has voluntarily departed Australia.

2. Tabling statement for assessment: 1002177-O1.

I note the Ombudsman's recommendation. The department continues to provide updates to this person on their case progression.

3. Tabling statement for assessment: 1002326-O1.

I note the Ombudsman's recommendation. The department advised that a less restrictive detention facility is not appropriate for this person at this time.

4. Tabling statement for assessment: 1002645-O.

I note the Ombudsman's recommendation. This person currently receives 24 hour care to assist him with his daily living requirements at the facility. This person has not been referred for an alternative placement as his current needs are being appropriately managed.

5. Tabling statement for assessment: 1002666-O.

I note the Ombudsman's recommendation. These people arrived in Australia after 19 July 2013 and were transferred to a regional processing centre (RPC). They have since been temporarily transferred to Australia for medical treatment. These people have been found to be refugees by an offshore government and under current legislation and policy settings, they remain subject to return.

6. Tabling statement for assessment: 1002171-O1.

I note the Ombudsman's recommendations. I have intervened under section 197AB of the Act to allow this person to reside in community detention. This person arrived after 19 July 2013 and was transferred to an RPC. This person has since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise this person's refugee status while they remain in Australia. This person is a plaintiff in ongoing court proceedings.

7. Tabling statement for assessment: 1001856-O1 and 1002176-O1.

I note the Ombudsman's recommendation. These people have been found not to engage Australia's protection obligations under the *Migration Act 1958*. As these people are expected to depart Australia, the department does not consider Bridging E visa referrals appropriate at this time.

8. Tabling statement for assessments: 1002205-O2, 1002322-O1, 1002391-O1, 1002392-O1, 1002477-O and 1002609-O.

I note the Ombudsman's recommendations. These people arrived after 19 July 2013 and were transferred to an RPC. They have since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status while they remain in Australia. Some of these people are plaintiffs in ongoing court proceedings.

9. Tabling statement for assessment: 1000173-O1, 1000854-O, 1000927-O, 1001302-O1, 1001379-O1, 1002201-O2, 1002634-O, 1002640-O, 1002642-O, 1002653-O and 1002661-O.

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 Home Affairs
Minister for Immigration and Border Protection
16 / 03 / 2018