

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 26/2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 26/2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 10 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to six cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1000557-O2

I note the Ombudsman's recommendations. The Department is expediting a submission under section 195A of the *Migration Act 1958* (the Act) for my consideration of the grant of a bridging visa to this person.

2. Tabling statement for cases: 1002304-O3 and 1002477-O1

I note the Ombudsman's recommendations. I am mindful of the circumstances of these individuals, as they are transitory persons who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, these individuals remain subject to return to a regional processing country (RPC) on completion of their medical treatment.

These individuals are currently residing in the community under a residence determination, which provides the best level of support whilst they have ongoing medical treatment.

The Department is regularly reviewing transitory persons residing in the community under a residence determination and, with the exception of the most vulnerable or those who represent security or community protection concerns, may refer these cases to me under section 195A of the Act for the consideration of the grant of a bridging visa.

3. Tabling statement for case: 1002766-O

I note the Ombudsman's recommendations. I am mindful of the circumstances of this person as, as they are a transitory person who has been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, this person remains subject to return to a RPC on completion of their medical treatment.

This person is currently residing in a high care facility that has been designated as an Alternative Place of Detention (APOD). This facility provides the best level of support while they have ongoing specialist medical treatment.

The Department is regularly reviewing transitory persons and, with the exception of the most vulnerable or those who represent security or community protection concerns, may refer these cases to me under sections 195A or 197AB of the Act for the consideration of the grant of a bridging visa or approval of a community placement under a residence determination.

4. Tabling statement for case: 1002727-O1

I note the Ombudsman's recommendation. This person's placement has been reviewed by the Department and a transfer to another facility is not possible at this time due to capacity issues.

This person is able to communicate with their support network via email, telephone and skype.

5. Tabling statement for case: 1003048-O

I note the Ombudsman's recommendation. This person was recently released from immigration detention and is now residing in the community.

6. Tabling statement for cases: 1002845-O1, 1003053-O, 1003068-O and 1003087-O

I note that the Ombudsman made no recommendations in relation to these cases.

(Original signed by David Coleman)

THE HON DAVID COLEMAN MP
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

09 / 09 / 2019