

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 34/2019 MADE UNDER  
SECTION 486O OF THE *MIGRATION ACT 1958***

**STATEMENT TO PARLIAMENT - No. 34/2019**

*General Comments*

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 12 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to five cases.

*Response to the Commonwealth Ombudsman's assessment*

**1. Tabling statement for case: 1002255-O3**

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

This family is currently residing in the community under a residence determination, which provides the best level of support while they have a child under school age.

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 *Migration Act 1958* (the Act) for the consideration of the grant of a bridging visa.

**2. Tabling statement for case: 1002471-O2**

I note the Ombudsman's recommendation. I am mindful of the circumstances of this family, as they are transitory persons who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, they remain subject to return to an RPC on completion of their medical treatment.

This family are currently residing in the community under a residence determination, which provides the best level of support while 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: 1002981-O1**

I note the Ombudsman's recommendation. This person was recently found not to meet the guidelines for referral to me for my consideration of the grant of a bridging visa under section 195A of the Act.

**4. Tabling statement for case: 1003035-O**

I note the Ombudsman's recommendation. This person was recently removed from Australia.

**5. Tabling statement for case: 1003054-O**

I note the Ombudsman's recommendation. International Health and Medical Services (IHMS) and medical specialists provide this person support and treatment for health issues. This individual is progressing on the public waiting list for the surgery in accordance with Australian community standards.

**6. Tabling statement for cases: 1001257-O2, 1002115-O3, 1002326-O3, 1002413-O3, 1003032-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

10 / 10 / 2019