

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

STATEMENT TO PARLIAMENT - No. 22 / 2016

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 50 assessments refer to 68 people who have been in immigration detention for two or more years. Of these, 15 assessments pertaining to 17 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1001414-O.

I note the Ombudsman's recommendation. This person has been transferred to a Perth facility.

2. Tabling statement for assessment: 1002351-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 for medical treatment. Under current policy and legislative settings, these people remain subject to return to a regional processing centre on completion of their treatment.

3. Tabling statement for assessment: 1002804

I note the Ombudsman's recommendation. I have intervened under section 46A of the *Migration Act 1958* (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 Safe Haven Enterprise visa and is currently residing lawfully in the community.

4. Tabling statement for assessment: 1003267.

I note the Ombudsman's recommendation. I have considered this person's case under section 197AB of the Act and declined to intervene.

5. Tabling statement for assessment: 1002541, 1003291, 1003297.

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 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.

6. Tabling statement for assessment: 1003008, 1003047, 1003379, 1003392, 1003394, 1003415.

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.

7. Tabling statement for assessment: 1003396, 1003417.

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 lodged an application for a Temporary Protection visa or a Safe Haven Enterprise visa. The department refused the application. These people's cases 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.

8. Tabling statement for assessments: 1000353, 1001309-O, 10011358-O, 1001401-O, 1001528-O, 1001619-O, 1001626-O, 1001675-O, 1001819-O, 1001973-O, 1002211-O, 1002355-O, 1002364-O, 1002455, 1002688, 1002693, 1002728, 1002732, 1002836, 1002975, 1003131, 1003281, 1003367, 1003405, 1003423, 1003443, 1003460, 1003481, 1003489, 1003498, 1003508, 1003521, 1003523, 1003524, 1003525.

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
03 / 11 / 2016