

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 35/2019 MADE UNDER  
SECTION 486O OF THE *MIGRATION ACT 1958***

**STATEMENT TO PARLIAMENT - No. 35/2019**

*General Comments*

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 24 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 cases: 1002479-O2, 1002495-O2 and 1002869-O1**

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

They are currently residing in the community under a residence determination, which provides the best level of support while they have children 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: 1002576-O2**

This person has not made a formal request to the Department for a transfer closer to their family and support network. In light of the Ombudsman recommendations, the Department recently sought this person's views on a transfer and will carefully consider any transfer request.

**3. Tabling statement for case: 1003078-O**

I note the Ombudsman's recommendation. I am mindful of the circumstances of these persons, 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.

These people 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.

**4. Tabling statement for case: 2000017-O2**

I note the Ombudsman's recommendations. The Department has already transferred this person to the requested facility to be closer to their family and support network.

**5. Tabling statement for cases: 1002604-O2, 1002639-O2, 1002955-O and 1003069-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