

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

STATEMENT TO PARLIAMENT

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 40 assessments refer to 56 people who have been in immigration detention for two or more years. Of these, 23 assessments pertaining to 28 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessments: 1002320.

I note the Ombudsman's recommendation. This person arrived as an Illegal Maritime Arrival in Australia between 13 August 2012 and 19 July 2013 and was transferred to a regional processing centre (RPC). This person has since been transferred back to Australia. In accordance with the policy that applies to this cohort of people, the department is exploring options to enable the resolution of this person's immigration status.

2. Tabling statement for assessments: 1002923.

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 invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa. This person has been assessed by a Commonwealth Medical Officer. This person has been requested to sign an undertaking to attend a State clinic for monitoring of this person's condition.

3. Tabling statement for assessment: 1003083.

I note the Ombudsman's recommendation. This person has been released from detention and may follow up any outstanding health needs with his General Practitioner. This person is currently residing lawfully in the community.

4. Tabling statement for assessments: 1002747, 1002842.

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.

5. Tabling statement for assessments: 1003031.

I note the Ombudsman's recommendations. I have intervened under section 46A of 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 Bridging E visa and is currently residing lawfully in the community.

6. Tabling statement for assessment: 1003094,

I note the Ombudsman's recommendations. The department has referred this person's case to me for my consideration under s195A of the Act for possible grant of a Bridging E visa in association with this person's Safe Haven Enterprise visa application. This person has lodged an application for a Safe Haven Enterprise visa.

7. Tabling statement for assessment: 1003154.

I note the Ombudsman's recommendations. I have agreed to consider intervening under section 195A of Act. The department will refer a further submission for my consideration for granting this person a Bridging E visa.

8. Tabling statement for assessments: 1003326.

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 Safe Haven Enterprise visa. These people have been granted Bridging E visas and are currently residing lawfully in the community.

9. Tabling statement for assessments: 103447.

I note the Ombudsman's recommendations. I have intervened under section 46A of 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 lodged an application for a Temporary Protection visa.

10. Tabling statement for assessment: 1002574, 1002575, 1002578, 1002579, 1002582, 1002950, 1002951, 1002952, 1002953, 1002954, 1002955, 1002956, 1003491.

I note the Ombudsman's recommendation. The department is investigating the circumstances around these people's arrival and, once finalised, priority will be given to resolving their immigration status.

11. Tabling statement for assessments: 1002130, 1002154, 1002164, 1002187, 1002270, 1002291, 1002331, 1002477, 1002839, 1002934, 1003001, 1003093, 1003097, 1003166, 1003397, 1003399, 1003407.

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

(Original signed by Peter Dutton)