

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

## STATEMENT TO PARLIAMENT - No. 23 / 2016

### *General Comments*

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 50 assessments refer to 71 people who have been in immigration detention for two or more years. Of these, 9 assessments pertaining to 14 detainees contained recommendations.

### *Response to the Commonwealth Ombudsman's assessments*

#### **1. Tabling statement for assessment: 1002249-O**

I note the Ombudsman's recommendation. The department has referred a submission under section 195A of the *Migration Act 1958* (the Act) to me for my consideration to grant this person a Visitor visa which will then allow a permanent visa lodgement.

#### **2. Tabling statement for assessment: 1002294-O**

I note the Ombudsman's recommendations. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been transferred back to Australia. Under current policy settings this person remains subject to return to a regional processing centre on completion of this person's medical treatment. The department has referred this person's case to me for my consideration under section 197AB of the Act, to grant this this person a community detention placement while receiving the medical treatment.

#### **3. Tabling statement for assessment: 1002325**

I note the Ombudsman's recommendation. This person has an adverse security assessment and will remain in held detention, rather than live in the community, until such time that a durable solution for individuals with adverse security assessments is found.

#### **4. Tabling statement for assessment: 1002535**

I note the Ombudsman's recommendations. The department will review this person's case for a possible referral to me for my consideration under section 195A of the Act for the grant of a Bridging E visa. The department has referred this person's case to me for my consideration under section 46A of the Act, to lift the bar to allow this person to apply for a Temporary Protection visa or a Safe Haven Enterprise visa.

#### **5. Tabling statement for assessment: 1003356**

I note the Ombudsman's recommendation. The department has referred this person's case to me, on a submission, for my indication as to whether I am inclined to consider intervening under section 195A or section 197AB of the Act, for the grant of a Bridging E visa or a community detention placement. The department has also referred this person's case to me for my consideration under section 46A of the Act, to lift the bar to allow this person to apply for a Temporary Protection visa or a Safe Haven Enterprise visa.

**6. Tabling statement for assessment: 1003218**

I note the Ombudsman's recommendation. 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 invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa. This person has been granted Bridging E visa and is currently residing lawfully in the community.

**7. Tabling statement for assessment: 1003045**

I note the Ombudsman's recommendation. 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. These people have been granted Bridging E visas and are currently residing lawfully in the community.

**8. Tabling statement for assessments: 1002334-O and 1002339-O**

I note the Ombudsman's recommendations. These people arrived after 19 July 2013 and were transferred to a regional processing centre. These people have since been transferred back to Australia. Under current policy settings these people remain subject to return on completion of the medical treatment.

**9. Tabling statement for assessments: 1000759-O, 1000821-O, 1000849-O, 1000870-O, 1000968-O, 1001002-O, 1001028-O, 1001129-O, 1001146-O, 1001191-O, 1001396-O, 1001435-O, 1001499-O, 1001912-O, 1002117-O, 1002139-O, 1002188-O, 1002232-O, 1002269, 1002278-O, 1002319-O, 1002329-O, 1002347-O, 1002365, 1002457, 1002496, 1002497, 1002538, 1002679, 1002684, 1002707, 1002731, 1002815, 1002820, 1002903, 1002911, 1002977, 1003247, 1003385, 1003427, 1003461.**

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