

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

STATEMENT TO PARLIAMENT - No. 12 / 2018

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 25 assessments refer to 32 people who have been in immigration detention for two or more years. Of these, 11 assessments pertaining to 10 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000319-O1

I note the Ombudsman's recommendation. This person's placement has been reviewed and due to classification as a high risk to the Australian community, a placement in the community is not appropriate. This person has been found not to be owed protection.

2. Tabling statement for assessment: 1001921-O1

I note the Ombudsman's recommendation. The placement of this person has been reviewed and a transfer is not possible at this time due to capacity issues.

3. Tabling statement for assessment: 1001953-O2

I note the Ombudsman's recommendation. The department has referred this person's case to me for my consideration to intervene under section 195A of the *Migration Act 1958*, to grant this person a Bridging E visa.

4. Tabling statement for assessment: 1002301-O2

I note the Ombudsman's recommendations. In February 2018, the department commenced an International Treaties Obligations Assessment to consider whether this person's case engages Australia's *non-refoulement* obligations. The placement of this person has been reviewed and a transfer is not possible at this time due to capacity issues.

5. Tabling statement for assessment: 1002520-O1

I note the Ombudsman's recommendation. This person's placement was reviewed and a transfer to a facility close to this person's support network has already been facilitated by the department.

6. Tabling statement for assessment: 1002528-O1

I note the Ombudsman's recommendation. The department's medical service provider has advised that this person's referral to the relevant medical specialist continues to remain in place, therefore a further referral is not required.

7. Tabling statement for assessment: 1002722-O

I note the Ombudsman's recommendation. This person has been found not to engage Australia's protection obligations under the *Migration Act 1958* and is on a removal pathway. Therefore, it is not appropriate to refer this person's case under section 195A of the Act for the grant of a Bridging E visa at this time.

8. Tabling statement for assessment: 1002789-O

I note the Ombudsman's recommendation. This person has not requested a residential transfer interstate. The department has reviewed this person's placement and placed this person in a more appropriate residence in the current state.

9. Tabling statement for assessments: 1000153-O1 and 1001678-O2

I note the Ombudsman's recommendation. These people have recently been assessed against the section 195A guidelines for the possible grant of a Bridging E visa and found they did not meet the guidelines for referral.

10. Tabling statement for assessment: 1000507-O1, 1000819-O1, 1001086-O1, 1001705-O1, 1001784-O2, 1001810-O2, 1002350-O2, 1002359-O2, 1002453-O1, 1002724-O, 1002725-O, 1002728-O, 1002742-O, 1002750-O and 1002776-O.

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 of Home Affairs
Minister for Immigration and Border Protection
07 / 05 / 2018