

**RESPONSE TO OMBUDSMAN'S ASSESSMENT NO. 43/2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 43/2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to ten people who have been in immigration detention for two or more years. This assessment contains six recommendations relating to four cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1001148-O4

The Department initiated an assessment of this person against my section 195A guidelines. If they meet the requirements, they will be referred for my consideration of the grant of a bridging visa under section 195A of the *Migration Act 1958* (the Act).

The Department expedited consideration of this person's visa application and provided them the opportunity to provide additional or updated information relevant to application.

2. Tabling statement for case: 1002200-O5

I note the Ombudsman's recommendation. This person was recently found not to meet the guidelines for referral to me for my consideration under sections 46A and 48B of the Act, to lift the statutory bars preventing them lodging a valid visa application.

3. Tabling statement for case: 1002534-O3

The Department is preparing a joint submission under sections 195A and 197AB of the Act for my consideration of the grant of a bridging visa or the approval of a community placement under a Residence Determination (RD).

4. Tabling statement for case: 1002656-O3

I note the Ombudsman's recommendation.

This person has a substantial criminal record and repeated history of incidents while in immigration detention. International Health and Medical Services (IHMS) made no recommendation for a specialised or community placement for this person and identified no chronic or acute physical or mental health concerns.

Given their circumstances, the Department determined this person's current placement in held detention is appropriate.

The Department will regularly review this person's circumstances and if appropriate initiate an assessment against my section 195A guidelines. If they meet the requirements in the future, they will be referred to me for my consideration of the grant of a bridging visa under section 195A of the Act.

5. Tabling statement for cases: 1002201-O5, 1002645-O2, 1002868-O2, 1003090-O, 1003092-O, 1003095-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

18 / 11 / 2019