

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 73 people who have been in immigration detention for two or more years. Of these, 16 assessments pertaining to 42 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessments: 1002390.

I note the Ombudsman's recommendation. The department has referred this person's case to me for my consideration under s195A of the *Migration Act 1958* (the Act) for the possible grant of a Bridging E visa.

2. Tabling statement for assessments: 1002509.

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 granted Bridging E visas and are currently located lawfully in the community.

3. Tabling statement for assessments: 1002539.

I note the Ombudsman's recommendation. This person's placement is currently being reviewed, with the department exploring options for an alternative placement closer to this person's family network.

4. Tabling statement for assessments: 1002909.

I note the Ombudsman's recommendation. This person's case has been reviewed by the appropriate stakeholders and at this time the department considers his placement appropriate.

5. Tabling statement for assessments: 1003127.

I note the Ombudsman's recommendation. This person was found to meet the guidelines against sections 195A and 197AB of the Act. This person will now be referred to me on a submission for my consideration of the grant of a Bridging E visa or a community detention placement.

6. Tabling statement for assessments: 1003468.

I note the Ombudsman's recommendation. This person has been found not to be owed protection. Under current guidelines this person is excluded from being considered for a Bridging E visa and has not presented with any vulnerabilities to warrant an exception to the guidelines.

7. Tabling statement for assessments: 1002059, 1002142, 1002970.

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 located lawfully in the community.

8. Tabling statement for assessments: 1002400.

I note the Ombudsman's recommendation. These people were transferred to a regional processing country between 13 August 2012 and 19 July 2013 and returned to Australia. An instrument to bring these people into the Fast Track Assessment process came into effect on 1 April 2016. The department will prepare a submission for my consideration to intervene, under section 46A of the Act, to allow these people to lodge an application for a Temporary Protection visa or Safe Haven Enterprise visa. These people have been granted Bridging E visas and are currently located lawfully in the community.

9. Tabling statement for assessments: 1003448.

I note the Ombudsman's recommendation. This person was transferred to a regional processing country between 13 August 2012 and 19 July 2013 and returned to Australia. An instrument to bring this person into the Fast Track Assessment process came into effect on 1 April 2016. The department will prepare a submission for my consideration to intervene, under section 46A of the Act, to allow this person to lodge an application for a Temporary Protection visa or Safe Haven Enterprise visa.

10. Tabling statement for assessments: 1002590, 1003260, 1003283.

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 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.

11. Tabling statement for assessments: 1002885, 1003323.

I note the Ombudsman's recommendation. These families include an infant born onshore after 1 January 2014. An instrument came into effect on 1 April 2016 to allow these infants to have the bar lifted under section 46A of the Act. The department will progress this cohort in due course. These people have been granted Bridging E visas and are currently residing lawfully in the community.

12. Tabling statement for assessments: 1002306, 1002309, 1002495, 1002517, 1002550, 1002553, 1002554, 1002559, 1002685, 1002918, 1002919, 1002981, 1002982, 1002983, 1002985, 1002987, 1002989, 1003147, 1003165, 1003321, 1003472, 1003495, 1003501, 1003502.

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
29 / 04 / 2016