

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

**STATEMENT TO PARLIAMENT - No. 26 / 2016**

*General Comments*

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 50 assessments refer to 76 people who have been in immigration detention for two or more years. Of these, 23 assessments pertaining to 36 detainees contained recommendations.

*Response to the Commonwealth Ombudsman's assessments*

**1. Tabling statement for assessment: 1000373-O**

I note the Ombudsman's recommendation. This person has been found not to meet the guidelines under section 195A of the *Migration Act 1958* (the Act) for referral to me for the grant of a Bridging E visa. The department is considering this person's case for possible referral to me for my consideration under section 197AB for the grant of a community detention placement.

**2. Tabling statement for assessment: 1000437-O**

I note the ombudsman's recommendation. The department has offered this person assistance to lodge a Temporary Protection visa or a Safe Haven Enterprise visa.

**3. Tabling statement for assessments: 1000967-O**

I note the Ombudsman's recommendation. This person's Temporary Protection visa has been progressed by the department.

**4. Tabling statement for assessment: 1002247-O**

I note the Ombudsman's recommendation. A submission is being prepared by the department for my consideration under section 501 of the *Migration Act 1958* (the Act).

**5. Tabling statement for assessments: 1002248-O**

I note the Ombudsman's recommendation. This person has lodged an application for a Temporary Protection visa and the department is progressing this.

**6. Tabling statement for assessments: 1002421**

I note the Ombudsman's recommendation. I have recently considered this person's case, under sections 195A and 197AB of the Act, for the grant of a Bridging E visa or a community detention placement, and declined to intervene.

**7. Tabling statement for assessments: 1002560**

I note the Ombudsman's recommendation. I have intervened under section 195A of the Act to grant this person a Bridging E visa and they are currently residing lawfully in the community.

**8. Tabling statement for assessments: 1001927-O, 1003263**

I note the Ombudsman's recommendations. These people have been granted a Temporary Protection visa and are currently residing lawfully in the community.

**9. Tabling statement for assessments: 1002861, 1003262**

I note the Ombudsman's recommendations. The department is assessing these people's cases against the section 197AB guidelines for possible referral to me for my consideration to grant them community detention placements.

**10. Tabling statement for assessment: 1002227-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 temporarily transferred to Australia for medical treatment. Under current policy settings this person remains subject to return to a regional processing centre on completion of their treatment. I have considered this person's case under section 197AD of the Act and relocated them to ensure they receive appropriate medical treatment.

**11. Tabling statement for assessment: 1002205-O, 1002222-O, 1002238-O, 1002304-O, 1002314-O, 1002384-O, 1002410-O, 1002411-O, 1002416-O**

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

**12. Tabling statement for assessment: 1002218-O, 1002264-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 temporarily transferred to Australia. The department continues to identify options to manage these people's immigration status.

**13. Tabling statement for assessments: 1000742-O, 1000958-O, 1001267-O, 1001519-O, 1001580-O, 1001587-O, 1001593-O, 1001776-O, 1002210-O, 1002224-O, 1002240-O, 1002245-O, 1002280-O, 1002281-O, 1002356-O, 1002390-O, 1002402-O, 1002468, 1002499, 1002733, 1002914, 1003044, 1003168, 1003202, 1003272, 1003513, 1003528**

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  
21 / 11 / 2016