

**RESPONSE TO OMBUDSMAN'S ASSESSMENT No. 20 / 2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 20 / 2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 29 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to five cases.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for cases: 1002287-O3 and 1002293-O3

I note the Ombudsman's recommendations. I am mindful of the circumstances of these families, as they are transitory people who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, these families remain subject to return to a regional processing country (RPC) on completion of their medical treatment

These families are currently residing in the community under a residence determination made under section 197AB of the Act, which provides the best level of support to the families while their children remain under school age.

The Department will continue to review the cases of transitory persons residing in the community under a residence determination and, with the exception of the most vulnerable or those who represent security or community protection concerns, may refer these cases to me under section 195A of the Act for the consideration of the grant of a bridging visa.

2. Tabling statement for case: 1002459-O2

I note the Ombudsman's recommendation. I am mindful of the circumstances of this person, as this person is a transitory person who has been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, this person remains subject to return to a RPC on completion of their medical treatment.

This person is currently residing in the community under a residence determination made under section 197AB of the Act, which provides the best level of support while they are undergoing medical treatment.

The Department will continue to review the cases of transitory persons residing in the community under a residence determination and, with the exception of the most vulnerable or those who represent security or community protection concerns, may refer these cases to me under section 195A of the Act for the consideration of the grant of a bridging visa.

3. Tabling statement for case: 1002938-O1

I note the Ombudsman's recommendation. This person is currently being assessed against the section 195A guidelines for a possible referral to me for consideration of the grant of a bridging visa.

4. Tabling statement for case: 1003066-O

I note the Ombudsman's recommendations. I am mindful of the circumstances of this family, as they are transitory people who have been temporarily transferred to Australia for medical treatment. Under current legislation and policy settings, the family remains subject to return to a RPC on completion of their medical treatment.

Until recently, the mother and her children were residing together in the community under a residence determination made under section 197AB of the Act, which provided the best level of support to them while the children remained under school age.

Under an order of the relevant Children's Court, the children were recently removed from the care of their mother and placed under the care of the relevant state authorities, where their health and welfare needs are being met.

The father was recently transferred to Australia from an RPC and is located in a facility close to his family and support network. The Department will provide additional support, and consider the provision of childcare support to the family upon reunification.

The Department will continue to review the cases of transitory persons residing in the community under a residence determination and, with the exception of the most vulnerable or those who represent security or community protection concerns, may refer these cases to me under section 195A of the Act for the consideration of the grant of a bridging visa.

5. Tabling statement for case: 1001501-O3

I note the concerns raised by the Ombudsman relation to this case. This mother and her child have no ongoing matters before the Department, tribunals or the courts and are on an involuntary removal pathway.

The welfare of the child in this case is of paramount importance. The Department is liaising with the family and the governments of the countries in which the mother and child hold residence to ensure that, in accordance with *United Nations Convention on the Rights of the Child*, this mother and her child are able to depart Australia together.

6. Tabling statement for cases: 1001519-O4, 1001618-O3, 1002176-O2, 1002269-O1, 1002553-O3, 1002691-O3, 1002819-O1, 1002826-O1, 1002836-O1, 1003021-O, 1003024-O, 1003036-O, 1003041-O and 1003051-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

09/09 /2019