

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

STATEMENT TO PARLIAMENT - No. 13 / 2017

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 50 assessments refer to 74 people who have been in immigration detention for two or more years. Of these, 32 assessments pertaining to 55 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000881-O

I note the Ombudsman's recommendation. I have intervened under sections 46A and 48B of the *Migration Act 1958* (the Act) to lift the bar to allow this person to lodge a further Temporary Protection visa or a Safe Haven Enterprise visa application.

2. Tabling statement for assessment: 1001086-O

I note the Ombudsman's recommendation. I have considered this person's case under section 195A of the Act, and declined to intervene. As there has been no significant change in this person's case, further consideration under section 195A of the Act is not appropriate at this time.

3. Tabling statement for assessment: 1001244-O

I note the Ombudsman's recommendations. I have intervened in this person's case under section 91Q of the Act, to validate their application for protection. This person has refused to agree to conditions necessary for their inclusion on a submission for my consideration under section 195A of the Act, for the grant of a Bridging E visa. The department will continue to seek to progress this person for Bridging E visa consideration.

4. Tabling statement for assessment: 1001688-O1

I note the Ombudsman's recommendation. This person has requested to be removed from Australia. Consideration of a community detention placement under section 197AB of the Act is not appropriate while their removal process is undertaken.

5. Tabling statement for assessment: 1001913-O

I note the Ombudsman's recommendation. This person's case is being reviewed for possible referral to me for my consideration under section 195A of the Act, for the grant of a Bridging E visa. This person does not meet the guidelines against section 197AB of the Act, for reconsideration of a community detention placement.

6. Tabling statement for assessment: 1001975-O

I note the Ombudsman's recommendation. This person's case is being reviewed for possible referral to me for my consideration under section 195A of the Act, for the grant of a Bridging E visa.

7. Tabling statement for assessment: 1002128-O

I note the Ombudsman's recommendation. The department is currently preparing a submission for my consideration of this person's case under section 195A of the Act, for the grant of a Bridging E visa. Pending the outcome, this person may be considered for a community detention placement under section 197AB of the Act.

8. Tabling statement for assessment: 1002267-O1

I note the Ombudsman's recommendations. Medical professionals have advised that this person's condition is being adequately managed. This person's health continues to be appropriately monitored by the Department's health services provider. The department is reviewing this person's case for re-referral to me under section 197AB of the Act for a community detention placement. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been temporarily transferred to Australia. The Department continues to explore options to resolve this person's case.

9. Tabling statement for assessment: 1002301-O1

I note the Ombudsman's recommendation. A placement has been sought for this person at a Melbourne facility; however, a transfer is currently not possible due to capacity issues at one facility and the second facility is not appropriate due to this person's criminal activity. Finalisation of this person's existing Bridging E visa application is pending conclusion of their International Treaties Obligations Assessment.

10. Tabling statement for assessment: 1002373-O1

I note the Ombudsman's recommendation. The department has considered this person's case and found that a change of placement is not appropriate at this time. This person's case may be reconsidered should their circumstances change.

11. Tabling statement for assessment: 1002507-O

I note the Ombudsman's recommendations. This person's community detention placement is currently being reviewed. 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. The department is supporting the relevant offshore government to finalise this person's refugee status determination while they remain in Australia.

12. Tabling statement for assessment: 1002526-O

I note the Ombudsman's recommendation. I have recently considered this person's case under s195A of the Act, and declined to intervene.

13. Tabling statement for assessment: 1002606-O

I note the Ombudsman's recommendations. I have intervened under section 197AB of the Act to allow this person to reside in community detention. The department's health service provider has advised that admission of this person to a medical facility is no longer indicated. 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. The department is supporting the relevant offshore government to finalise this person's refugee status determination while they remain in Australia.

14. Tabling statement for assessments: 1000153-O, 1001232-O1

I note the Ombudsman's recommendations. The department is currently preparing a submission for my consideration of these people's cases under section 195A of the Act for the possible grant of Bridging E visas.

15. Tabling statement for assessments: 1002332-O1, 1002350-O1, 1002351-O1, 1002447-O, 1002453-O, 1002457-O, 1002458-O, 1002459-O, 1002462-O, 1002468-O, 1002473-O, 1002475-O, 1002479-O, 1002484-O, 1002492-O, 1002505-O, 1002533-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 for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination while they remain in Australia.

16. Tabling statement for assessments: 1000283-O, 1000518-O, 1000853-O1, 1000878-O, 1001122-O, 1001236-O, 1001250-O, 1001266-O, 1001308-O, 1001338-O, 1001768-O, 1001810-O1, 1001936-O1, 1002031-O, 1002053-O, 1002107-O, 1002284-O2, 1002300-O1,

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

04/09/2017