

**RESPONSE TO OMBUDSMAN'S ASSESSMENT No. 21 / 2019 MADE UNDER
SECTION 486O OF THE *MIGRATION ACT 1958***

STATEMENT TO PARLIAMENT - No. 21 / 2019

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. This assessment refers to 34 people who have been in immigration detention for two or more years. This assessment contains recommendations relating to nine cases.

Response to the Commonwealth Ombudsman's assessment

1. Tabling statement for case: 1000925-O2

I note the Ombudsman's recommendation. This person is on an involuntary removal pathway. The relevant Government is currently unwilling to issue travel documents to involuntary removals from Australia. The Department continues to engage with the relevant government to obtain a travel document for this person.

As this person has been found not to engage Australia's protection obligations he is not eligible for third country resettlement.

2. Tabling statement for cases: 1002226-O2, 1002315-O2 and 1002550-O2

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.

3. Tabling statement for case: 1002236-O3

I note the Ombudsman's recommendations. 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 has already undergone refugee status determination by the relevant government and has been assessed as a refugee.

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.

4. Tabling statement for case: 1002332-O3

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, these families remain subject to return to a RPC on completion of their medical treatment

The family is 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 family while their children remain under school age.

After carefully reviewing the medical advice supporting a variation to this family's residential address, the Department, with the agreement of the family, undertook a program of remediation work at the existing address. Further medical advice confirmed the existing address met the health and welfare needs of the family. As no additional requests for a transfer or for additional services have been received, the Department is not progressing the relocation of the family at this time.

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 cases: 1002439-O2 and 1002554-O2

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

These people are 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.

6. Tabling statement for case: 1002856-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, this family remains subject to return to a regional processing country (RPC) on completion of their medical treatment.

This family is 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 family while their children remain under school age. The family advised the Department they no longer wish to relocate, as their extended support network have moved closer to their existing address. They also wish maintain continuity of medical treatment and schooling for the family in their current location.

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.

7. Tabling statement for cases: 1001237-O3, 1002273-O2, 1002549-O1, 1002741-O2, 1002844-O1, 1002905-O1, 1002930-O, 1002949-O1, 1003013-O, 1003039-O, 1003065-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