

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

STATEMENT TO PARLIAMENT - No. 3 / 2019

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 40 assessments refer to 45 people who have been in immigration detention for two or more years. Of these, 11 assessments pertaining to 12 detainees, contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 000510-O2.

I note the Ombudsman's recommendations. The former Assistant Minister indicated that this person's case should not be referred for consideration under the Ministerial intervention powers. This person's case will not be reassessed against sections 195A and 197AB guidelines at this time. This person's case will continue to be regularly reviewed by the Department.

Given this person's high-risk rating and history of non-compliant behaviour in immigration detention, a lower-security placement is not considered appropriate at this time.

2. Tabling statement for assessment: 1000846-O3.

I note the Ombudsman's recommendations. The former Assistant Minister indicated that this person's case should not be referred for consideration under the Ministerial intervention powers. This person's case will not be reassessed against the section 197AB guidelines for a community placement at this time. This person's case will continue to be regularly reviewed by the Department.

3. Tabling statement for assessment: 1001513-O3.

I note the Ombudsman's recommendations. These people have been identified for assessment against the section 195A guidelines, for a possible referral to me for my consideration of the grant of a Bridging E visa.

4. Tabling statement for assessment: 1002810-O1.

I note the Ombudsman's recommendations. The Department has already facilitated this person's transfer to a facility close to this person's support network.

On remittal from the Federal Court of Australia, the Department has reconsidered its decision to cancel this person's visa under section 501 of the Act and has decided not to revoke its cancellation decision under s501 of the Act. The matter is now finalised.

5. Tabling statement for assessment: 1002904-O.

I note the Ombudsman's recommendations. The Department is continuing to progress this person's travel document with the assistance of the Ministry of Interior of the relevant country.

6. Tabling statement for assessments: 1001257-O1 and 1001285-O2.

I note the Ombudsman's recommendation. The former Assistant Minister has indicated that these individual's cases should be referred for consideration under the Ministerial intervention powers. Submissions will be prepared by the Department and referred to me in due course.

7. Tabling statement for assessment: 1001857-O2.

I note the Ombudsman's recommendation. This person has already voluntarily departed Australia.

8. Tabling statement for assessment: 1002845-O.

I note the Ombudsman's recommendation. This person has already voluntarily departed Australia.

9. Tabling statement for assessment: 1002862-O.

I note the Ombudsman's recommendation. The Department has already effected this person's transfer to a facility close to this person's support network.

10. Tabling statement for assessment: 1002891-O.

I note the Ombudsman's recommendation. This person's placement has been reviewed. A transfer to a facility close to support network is not possible at this time due to capacity issues.

This person is able to communicate with relatives through emails, letters, phone calls and skype.

11. Tabling statement for assessment: 1001472-O2, 1001534-O2, 1002672-O1, 1002714-O1, 1002803-O1, 1002889-O, 1002909-O, 1002912-O, 1002916-O, 1002921-O, 1002923-O, 1002931-O, 1002933-O, 2000009-O1, 2000017-O1, 1000516-O3, 1001026-O1, 1001232-O3, 1001676-O3, 1001758-O2, 1001913-O2, 1002387-O3, 1002247-O3, 1002426-O1, 1002488-O1, 1002647-O1, 1002888-O, 1002938-O, 1002949-O.

I note that the Ombudsman has made no recommendations in relation to these cases.

(Original signed by David Coleman)

THE HON DAVID COLEMAN MP
Minister for Immigration, Citizenship and Multicultural Affairs
10 / 04 / 2019