

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

## STATEMENT TO PARLIAMENT - No. 13 / 2018

### *General Comments*

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 25 assessments refer to 39 people who have been in immigration detention for two or more years. Of these, six assessments pertaining to 10 detainees contained recommendations.

### *Response to the Commonwealth Ombudsman's assessments*

#### **1. Tabling statement for assessment: 1000806-O1**

I note the Ombudsman's recommendation. This person has been granted a Final Departure Bridging E visa and is living lawfully in the community.

#### **2. Tabling statement for assessment: 1000997-O**

I note the Ombudsman's recommendation. This person has been identified by the department for assessment against the section 195A guidelines, for possible referral to me for my consideration for the grant of a Bridging E Visa.

#### **3. Tabling statement for assessment: 1002380-O2**

I note the Ombudsman's recommendation. The department will be assessing this family's case under section 197AD for referral to me for consideration of a variation of their current community placement.

#### **4. Tabling statement for assessment: 1002459-O1**

I note the Ombudsman's recommendation. This person's case will be assessed against the guidelines for referral to me for consideration under section 195A of the *Migration Act 1958* for the grant of a Bridging Visa E. The department will not be considering a transfer under section 197AD for this person while the department is conducting the guidelines assessment under section 195A for my consideration for the grant of a Bridging E visa. This person is a plaintiff in ongoing court proceedings.

#### **5. Tabling statement for assessment: 1002467-O1**

I note the Ombudsman's recommendation. The department has referred this person's case to me for my consideration to intervene under section 195A of the *Migration Act 1958* to grant this person a Final Departure Bridging E Visa. This person is a plaintiff in ongoing court proceedings.

#### **6. Tabling statement for assessment: 1002540-O1**

I note the Ombudsman's recommendation. The department has recently assessed this person's case against the section 197AB guidelines for a community placement and it did not meet the guidelines for referral to me. This person's visa application is currently undergoing assessment. The department is considering refusal of the visa under section 501 of the *Migration Act 1958*. Community placement consideration is not appropriate at this time until finalisation of this person's protection visa.

**7. Tabling statement for assessment: 1000878-O1, 1001232-O2, 1001285-O1, 1001306-O1, 1001472-O1, 1001676-O2, 1002436-O1, 1002443-O1, 1002458-O1, 1002518-O1, 1002526-O1, 1002527-O1, 1002652-O, 1002704-O, 1002733-O, 1002748-O, 1002763-O, 1002791-O, 1002805-O**

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

(Original signed by Peter Dutton)

THE HON PETER DUTTON MP  
Department of Home Affairs  
Department of Immigration and Border Protection  
07/06/2018