

REPLACEMENT STATEMENT

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

STATEMENT TO PARLIAMENT - No. 6 / 2017

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 25 assessments refer to 31 people who have been in immigration detention for two or more years. Of these, 13 assessments pertaining to 16 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000142-O.

I note the Ombudsman's recommendation. This person's security assessment has been finalised.

2. Tabling statement for assessment: 1000173-O.

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

3. Tabling statement for assessment: 1000267-O.

I note the Ombudsman's recommendations. This person has been issued a Qualified Security Assessment. The department is assessing this person's case prior to a referral to me to consider an alternative placement.

4. Tabling statement for assessment: 1000279-O.

I note the Ombudsman's recommendation. The Department is preparing a submission for my consideration of options for these people's cases.

5. Tabling statement for assessment: 1000785-O.

I note the Ombudsman's recommendations. This person's placement has been reviewed and due to capacity issues, a transfer to a Sydney facility is not appropriate at this time. The External Agency has advised it has commenced a review of this person's Adverse Security Assessment. Given this person's adverse security assessment they will remain in held detention, rather than live in the community, until such time that a durable solution is found that is consistent with Australia's international obligations.

6. Tabling statement for assessment: 1001003-O.

I note the Ombudsman recommendation. This person has been granted a Bridging E visa and released into the community. This person continues to be provided support by the department and its service providers.

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7. Tabling statement for assessment: 1001170-O.

I note the Ombudsman's recommendation. The department is preparing a submission for my consideration of this person's case under section 46A of the *Migration Act 1958* (the Act), to lift the bar to allow this person to lodge a Temporary Protection visa or Safe Haven Enterprise visa.

8. Tabling statement for assessment: 1002391-O.

I note the Ombudsman's recommendations. The department is currently preparing a submission under section 197AD of the Act for my consideration to vary these people's residential address. 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. Under current legislative and policy settings these people remain subject to return to a regional processing centre on completion of their treatment.

9. Tabling statement for assessment: 1002399-O.

I note the Ombudsman's recommendations. 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 identify options to manage this person's immigration status. This person was found not to meet the guidelines against section 197AB of the Act. As such, this person was not referred to me for my consideration.

10. Tabling statement for assessment: 1001647-O, 1002389-O.

I note the Ombudsman's recommendations. I have recently considered these people's cases under section 195A of the Act, for the grant of a Bridging E visa, and declined to intervene.

11. Tabling statement for assessment: 1002393-O, 1002397-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. Under current legislative and policy settings these people remain subject to return to a regional processing centre on completion of their treatment.

12. Tabling statement for assessments: 000408-O, 1001044-O, 1001207-O1, 1001365-O, 1002144-O, 1002292-O1, 1002337-O1, 1002407-O, 1002432-O, 1002450-O, 1002487-O, 1002488-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
Minister for Immigration and Border Protection
13/06/2017