

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

## STATEMENT TO PARLIAMENT - No. 19 / 2017

### *General Comments*

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 55 assessments refer to 65 people who have been in immigration detention for two or more years. Of these, 38 assessments pertaining to 46 detainees contained recommendations.

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

#### **1. Tabling statement for assessment: 000510-O1.**

I note the Ombudsman's recommendation. This person's case is being reviewed in light of recently received information and may be referred to me for my consideration under section 501 of the *Migration Act 1958* (the Act). Consideration of this person's case under s195A of the Act, for the grant of a Bridging E visa, is not considered appropriate at this time.

#### **2. Tabling statement for assessment: 1000373-O1.**

I note the Ombudsman's recommendation. The department has reviewed this person's placement and found that a transfer to Maribyrnong Immigration Detention Centre is not possible due to capacity issues. Their need for a high level of monitoring precludes a transfer to Melbourne Immigration Transit Accommodation.

#### **3. Tabling statement for assessment: 1000516-O1.**

I note the Ombudsman's recommendation. This person will not be considered for referral to me under section 195A of the Act, for the grant of a Bridging E visa, until the review of their case by the Federal Circuit Court of Australia is finalised.

#### **4. Tabling statement for assessment: 1000846-O1.**

I note the Ombudsman's recommendation. This person has been temporarily transferred to Perth Immigration Detention Centre to attend a court hearing. Consideration of a longer-term transfer will not be made, until the completion of their outstanding legal matters.

#### **5. Tabling statement for assessment: 1001148-O.**

I note the Ombudsman's recommendation. This person has been identified for assessment against the s195A guidelines, for a possible referral to me for the grant of a Bridging E visa.

#### **6. Tabling statement for assessment: 1001583-O1.**

I note the Ombudsman's recommendation. This person will not be considered for referral to me under section 195A or section 197AB of the Act, for the grant of a Bridging E visa or a community detention placement, until the investigation of their identity is finalised.

**7. Tabling statement for assessment: 1001593-O1.**

I note the Ombudsman's recommendations. The department has reviewed this person's placement and is progressing their transfer to Yongah Hill Immigration Detention Centre. A transfer to a Melbourne facility is not possible due to capacity issues.

**8. Tabling statement for assessment: 1001736-O.**

I note the Ombudsman's recommendations. I have recently considered this person's case under section 195A of the Act, for the grant of a Bridging E visa, 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. This person's placement was reviewed with the department finding that due to their need for a high level of monitoring, a transfer to a Brisbane facility was not appropriate. A transfer to an alternate high security facility is being considered.

**9. Tabling statement for assessment: 1001820-O1.**

I note the Ombudsman's recommendation. I have considered this person's case under section 195A of the Act, for the grant of a Bridging E visa, 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.

**10. Tabling statement for assessment: 1001970-O1.**

I note the Ombudsman's recommendation. This person was found not to meet the guidelines against section 195A of the Act. As such, this person was not referred to me for my consideration.

**11. Tabling statement for assessment: 1002212-O1.**

I note the Ombudsman's recommendation. The department has reviewed this person's placement and found that a transfer to a facility closer to his family support network is not possible due to capacity issues. Arrangements are in place to allow this person to maintain contact with their family support network.

**12. Tabling statement for assessment: 1002227-O1.**

I note the Ombudsman's recommendations. This person has been found to meet the s197AB guidelines and will be referred to me for my consideration of a community detention placement. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been 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.

**13. Tabling statement for assessment: 1002248-O1.**

I note the Ombudsman's recommendation. This person's case is being reviewed for possible referral to me for my consideration under section 501 of the Act. Consideration of their case under section 195A or section 197AB of the Act, for the grant of a Bridging E visa or a community detention placement, is not appropriate at this time.

**14. Tabling statement for assessment: 1002314-O1.**

I note the Ombudsman's recommendations. This person has been identified for assessment against the section 197AD guidelines, for a possible referral to me for my consideration to vary their 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 for medical treatment. The department is supporting the relevant offshore government to finalise this person's refugee status determination while they remain in Australia.

**15. Tabling statement for assessment: 1002387-O1.**

I note the Ombudsman's recommendations. This person was found not to meet the guidelines against section 195A of the Act. As such, this person was not referred to me for my consideration. The department has reviewed this person's placement and found that a transfer to Villawood Immigration Detention Centre is not possible due to capacity issues and that their current placement is appropriate. This person has attended multiple torture and trauma counselling sessions since being referred. The frequency of counselling sessions is determined by the department's torture and trauma service provider.

**16. Tabling statement for assessment: 1002555-O.**

I note the Ombudsman's recommendations. The department is reviewing this person's case for a possible referral to me under section 195A of the Act, for the grant of a Bridging E visa. Pending the outcome, this person may be considered against the section 197AD guidelines, for variation to their community detention placement. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been 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.

**17. Tabling statement for assessment: 1002565-O.**

I note the Ombudsman's recommendation. This person has been referred to me for my consideration under section 195A of the Act, for the grant of a Bridging E visa.

**18. Tabling statement for assessment: 1002567-O.**

I note the Ombudsman's recommendations. This person is residing in the community on a Bridging E visa and is able to seek support and medical services within the community. The Australian Government is committed to regional processing and regional resettlement. The Department will support the relevant offshore government to facilitate family reunion in their respective country. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has since been 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.

**19. Tabling statement for assessment: 1002588-O.**

I note the Ombudsman's recommendation. This person has been relocated to more appropriate accommodation. The department anticipates this arrangement continuing.

**20. Tabling statement for assessment: 1002620-O.**

I note the Ombudsman's recommendation. This person's current placement has been identified for review, with the department exploring options for a less restrictive environment.

**21. Tabling statement for assessment: 1002270-O1, 1002271-O1, 1002324-O1.**

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. The department is exploring options to enable the resolution of these people's immigration status.

**22. Tabling statement for assessment: 1002531-O, 1002584-O, 1002602-O.**

I note the Ombudsman's recommendations. These people are able to seek medical and support services through providers within the community.

**23. Tabling statement for assessment: 1002612-O, 1002669-O, 1002693-O, 2000014-O.**

I note the Ombudsman's recommendation. These people were born onshore following their family's temporary transfer from a regional processing centre for medical treatment. These people and their family's remain subject to transfer to a regional processing centre on completion of their treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination while they remain in Australia.

**24. Tabling statement for assessment: 1002293-O1, 1002315-O1, 1002552-O, 1002554-O, 1002586-O, 1002587-O, 1002596-O, 1002605-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 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.

**25. Tabling statement for assessment: 1000399-O, 1000507-O, 1000765-O1, 1000857-O1, 1000894-O, 1001062-O, 1001264-O1, 1001344-O1, 1001625-O1, 1001700-O1, 1001953-O1, 1002297-O1, 1002516-O, 1002559-O, 1002561-O, 1002570-O and 1002581-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  
22/11/ 2017