

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

STATEMENT TO PARLIAMENT - No. 20 / 2017

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, nine assessments pertaining to 19 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000967-O1.

I note the Ombudsman's recommendations. One of these people has an adverse security assessment which is being reviewed. This person will remain in immigration detention, rather than live in the community, until such time that a durable solution for individuals with adverse security assessments is found. Following a request by these people, the department has delayed the finalisation of their Temporary Protection visa application until the review of the adverse security assessment is finalised.

2. Tabling statement for assessment: 1002226-O1.

I note the Ombudsman's recommendations. These people are being assessed against the section 197AD guidelines for possible referral to me to vary their community detention placement. These people arrived after 19 July 2013 and were transferred to a regional processing centre. They have since been temporarily 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.

3. Tabling statement for assessment: 1002572-O.

I note the Ombudsman's recommendation. 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. Under current legislation and policy settings, this person remains subject to return to a regional processing centre on completion of their treatment.

4. Tabling statement for assessment: 1002595-O.

I note the Ombudsman's recommendations. The department has reviewed this person's placement and they have been relocated within Villawood Immigration Detention Centre to ensure their personal safety. A transfer to Maribyrnong Immigration Detention Centre is not possible at this time, due to capacity issues.

5. Tabling statement for assessment: 1002615-O.

I note the Ombudsman's recommendation. This person is currently residing lawfully in the community on a Bridging E visa and is able to seek appropriate support and medical services within the community.

6. Tabling statement for assessment: 1002264-O1, 1002325-O1.

I note the Ombudsman's recommendations. These people arrived after 19 July 2013 and were transferred to a regional processing centre. They have since been temporarily transferred back to Australia. The department continues to identify options to manage these people's immigration status. These people are residing lawfully in the community on Bridging E visas.

7. Tabling statement for assessment: 1002695-O, 2000003-O.

I note the Ombudsman's recommendations. These people were born onshore following their family's temporary transfer from a regional processing centre for medical treatment. These people and their families 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.

8. Tabling statement for assessment: 1000151-O1, 1000499-O1, 1001033-O1, 1001211-O, 1001414-O1, 1001513-O1, 1001522-O1, 1001611-O1, 1001667-O, 1001695-O1, 1002198-O2, 1002402-O1, 1002556-O, 1002562-O, 1002578-O, 1002600-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
04 / 12 / 2017