

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

STATEMENT TO PARLIAMENT - No. 15 / 2018

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 30 assessments refer to 48 people who have been in immigration detention for two or more years. Of these, 10 assessments pertaining to 10 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000689-O2.

I note the Ombudsman's recommendations. This person has been identified by the department for assessment against the section 195A guidelines, for a possible referral to me for my consideration for the grant of a Bridging E visa. This person's detention placement has been reviewed and a transfer is not possible at this time, due to capacity issues.

2. Tabling statement for assessment: 1000881-O1.

I note the Ombudsman's recommendation. This person's case is being considered by the department under section 501 of the *Migration Act 1958* (the Act) and is awaiting further information in relation to this case. This person's current placement is appropriate.

3. Tabling statement for assessment: 1001280-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.

4. Tabling statement for assessment: 1001313-O1.

I note the Ombudsman's recommendation. This person's case is continuing to be considered by the department under section 501 of the Act for a possible referral to me.

5. Tabling statement for assessment: 1002051-O1.

I note the Ombudsman's recommendation. This person's case is being considered under section 501 of the Act. Therefore, consideration of this person's case under section 197AB of the Act for a community placement is not appropriate at this time.

6. Tabling statement for assessment: 1002197-O2.

I note the Ombudsman's recommendation. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has 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. I have intervened under section 195A of the Act to grant this person a Final Departure Bridging E visa.

7. Tabling statement for assessment: 1002471-O1.

I note the Ombudsman's recommendation. This person arrived after 19 July 2013 and was transferred to a regional processing centre. This person has 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. This person and their family have been found to be refugees by the relevant offshore government.

8. Tabling statement for assessment: 1002672-O.

I note the Ombudsman's recommendation. This person's placement has been reviewed and a transfer is not possible at this time, due to capacity issues.

9. Tabling statement for assessments: 1000966-O2, 1002022-O1.

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

10. Tabling statement for assessment: 1000893-O1, 1001148-O1, 1001244-O1, 1002384-O2, 1002386-O2, 1002439-O1, 1002442-O1, 1002457-O1, 1002460-O1, 1002462-O1, 1002465-O1, 1002474-O1, 1002482-O1, 1002507-O1, 1002547-O1, 1002727-O, 1002741-O, 1002751-O, 1002773-O and 1002777-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 Home Affairs
Minister for Immigration and Border Protection
14 / 6 / 2018