

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

STATEMENT TO PARLIAMENT

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 49 assessments refer to 95 people who have been in immigration detention for two or more years. Of these, 27 assessments pertaining to 60 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment 1002155.

I note the Ombudsman's recommendation. The Department has assessed the cohort of Yongah Hill detainees. The Department has commenced the relocation of identified detainees to a separate compound based on risk.

2. Tabling statement for assessment 1002170.

I note the Ombudsman's recommendation. The Department is currently unable to transfer this person to Villawood IDC due to capacity issues. The Department will reconsider transferring this person in future as availability permits.

3. Tabling statement for assessment 1002315.

I note the Ombudsman's recommendation. Arrangements are in place to allow this person's son to have regular visitation access.

4. Tabling statement for assessment 1002547.

I note the Ombudsman's recommendation. This person is affected by a recent judgment handed down at the Federal Circuit Court. The department is currently reviewing how this judgment will impact protection obligations assessment processes.

5. Tabling statement for assessment 1002960.

I note the Ombudsman's recommendation. The department has commenced processing the substantial legacy caseload of illegal maritime arrivals. The department will provide me with advice in relation to consideration of my power, to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application, in due course.

6. Tabling statement for assessments 1002483, 1002507, 1002958, 1002959, 1002961, 1003121.

I note the Ombudsman's recommendations. The department has commenced processing the substantial legacy caseload of illegal maritime arrivals. The department will provide me with advice in relation to consideration of my power, to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application, in due course. These people have been released on Bridging E visas and are currently located lawfully in the community.

7. Tabling statement for assessments 1002957, 1003181

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have been released on Bridging E visas and are currently located lawfully in the community.

8. Tabling statement for assessments 1002990, 1003050, 1003161, 1003182, 1003309.

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have been invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa.

9. Tabling statement for assessments 1003005, 1003175.

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have been invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa. These people have been released on Bridging E visas and are currently located lawfully in the community.

10. Tabling statement for assessments 1002962, 1002963, 1002881.

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have lodged an application for a Temporary Protection visa or a Safe Haven Enterprise visa.

11. Tabling statement for assessments 1003067, 1003119, 1003139, 1003140.

I note the Ombudsman's recommendations. I have intervened under section 46A of the Act to lift the bar to allow these people to lodge a Temporary Protection visa or a Safe Haven Enterprise visa application. These people have lodged an application for a Temporary Protection visa or a Safe Haven Enterprise visa. These people have been released on Bridging E visas and are currently located lawfully in the community.

12. Tabling statement for assessments 1002018, 1002114, 1002148, 1002161, 1002162, 1002163, 1002169, 1002171, 1002183, 1002185, 1002272, 1002327, 1002355, 1002556, 1002676, 1002761, 1002868, 1002999, 1003063, 1003160, 1003180, 1003206

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
19/01/ 2016