

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

STATEMENT TO PARLIAMENT - No. 20 / 2018

General Comments

I refer to the Commonwealth Ombudsman's assessment tabled in Parliament today. The assessment refers to 76 people who have been in immigration detention for two or more years. Of these, assessments pertaining to 5 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1002171-02.

I note the Ombudsman's recommendation. This person has been granted a final departure Bridging E visa under section 195A of the *Migration Act 1958* (the Act) and is living in the community. The Department has not received a request through the SRSS provider for financial assistance for this person. This person can access appropriate support and medical services within the community. This person has been found to be a refugee by the relevant offshore government.

2. Tabling statement for assessment: 1000880-02.

I note the Ombudsman's recommendations. This person has been found not to be owed protection. The Department of Home Affairs (the Department) has reviewed this person's case. Based on the latest health assessment provided by IHMS and having considering the complexity of the person's health issues, the Department has decided not to refer this person for my consideration for a community detention placement at this stage. The Department is also of the view that a Tier 4 placement is not required for this person at this time, since a range of care, welfare and support services are in place under the current arrangements. This person also has access to counselling services as needed as well as regular engagement with health professionals.

3. Tabling statement for assessment: 1002781-0.

I note the Ombudsman's recommendation. This person was recently granted a Bridging E visa and is now living in the community. This person is a plaintiff in ongoing court proceedings.

4. Tabling statement for assessment: 1002534-01.

I note the Ombudsman's recommendation. This person's case was recently considered under section 195A of the Act for the grant of a Bridging E visa and was declined. This person has been identified by the Department for an assessment against the section 197AB guidelines for a possible referral to me for my consideration of a community placement.

5. Tabling statement for assessment: 100894-01.

I note the Ombudsman's recommendations. The Department has already provided accommodation to this person in a single room with ensuite ablutions. This person's specific health and welfare needs are being appropriately managed at the relevant facility. The Department is currently assessing this person's case for a possible referral to me for my consideration for the grant of a Bridging E visa.

6. Tabling statement for assessments: 1002197-O3, 1002287-O2, 1002304-O2, 1002312-O2, 1002314-O2, 1002330-O2, 1002334-O2, 1002350-O3, 1002354-O2, 1002394-O2, 1002522-O1, 1002537-O2, 1002545-O2, 1002572-O1, 1002587-O1, 1002596-O1, 1002604-O1, 1002605-O1, 1002857-O, 1000437-O2, 1000441-O1, 1000791-O, 1001332-O2, 1001666-O2, 1001775-O2, 1001929-O1, 1001966-O2, 1002100-O1, 1002162-O2, 1002569-O1, 1002744-O, 1002834-O, 1002839-O, 1002863-O, 1002883-O

I note that the Ombudsman has made no recommendations in relation to these cases.

General Comment

The Statement to Parliament No. 17 / 2018, tabled on 25 June 2018, omitted one digit in paragraph 1. The assessment number:

1001543-O2 was incorrectly stated as **001543-O2**.

Paragraph 1 in Tabling statement No. 17 / 2018 is being deleted and substituted by the following:

1. Tabling statement for assessment: 1001543-02.

I note the Ombudsman's recommendation. The previous Minister recently considered this person's case under section 195A of the Migration Act 1958 (the Act) and declined to intervene.

(Original signed by David Coleman)

THE HON DAVID COLEMAN MP
Minister for Immigration, Citizenship and Multicultural Affairs

10 / 10 / 2018