

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

**STATEMENT TO PARLIAMENT - No. 21 / 2018**

*General Comments*

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 80 assessments refer to 80 people who have been in immigration detention for two or more years. Of these, nine assessments pertaining to nine detainees contained recommendations.

*Response to the Commonwealth Ombudsman's assessments*

**1. Tabling statement for assessment: 000479-O1.**

I note the Ombudsman's recommendation. The Department of Home Affairs (the Department) has temporarily transferred this person to the recommended location, to enable consultation with their legal representative prior to the court hearing scheduled for 2 November 2018. A permanent transfer is not supported at this stage due to operational reasons and other relevant factors.

**2. Tabling statement for assessment: 1002794-O.**

I note the Ombudsman's recommendation. International Health and Medical Services (IHMS) have confirmed that they will continue to treat this person's medical condition but a single room is not recommended for this condition. The current accommodation adequately caters to the person's needs.

**3. Tabling statement for assessment: 1002825-O.**

I note the Ombudsman's recommendations. The Department is currently making arrangements to place this person in an alternate place of detention that provides an appropriate level of support and assistance, in light of the vulnerabilities associated with the person's medical condition. Consideration and referral for the grant of a Bridging E visa under section 195A of the *Migration Act 1958* (the Act) is currently on hold, as instructed by the previous Minister of Immigration and Border Protection, until it can be confirmed that this person's removal from Australia is not an option. In the event it is deemed appropriate to refer this person's case for my consideration under section 195A of the Act, the Department will consider appropriate management options in respect of the person's medical conditions and other circumstances at that time.

**4. Tabling statement for assessment: 1000109-O2.**

I note the Ombudsman's recommendation. This person has provided misleading and inconsistent information in relation to their claimed identity and is not cooperating with the Department. This person's case is of the highest priority to the Department and is the subject of the Department's National Returns Taskforce Operational Order, which has been established to resolve outstanding identity issues on complex and protracted cases.

**5. Tabling statement for assessment: 1002795-O.**

I note the Ombudsman's recommendation. This person is currently on a removal pathway and therefore would not meet the guidelines for a possible referral to me for the grant of a community placement under section 197AB of the Act.

**6. Tabling statement for assessment: 1001805-O2.**

I note the Ombudsman's recommendations. The Department is working with IHMS to expedite an appointment to treat this person's medical condition. This person's case has been submitted to me under section 195A of the Act and is under consideration for a possible grant of a Bridging E visa.

**7. Tabling statement for assessment: 1001842-O2.**

I note the Ombudsman's recommendations. The Department is currently drafting a submission for my consideration on a number of long term detainees, including this person, for a decision as to whether their cases should be considered by me on an individual basis.

**8. Tabling statement for assessment: 1002544-O1.**

I note the Ombudsman's recommendation. This person has been transferred to a facility in Melbourne, as recommended by the Ombudsman.

**9. Tabling statement for assessment: 1002588-O1.**

I note the Ombudsman's recommendation. The Department has reviewed this person's detention placement in consultation with IHMS and confirms that the current placement for this person is appropriate. The Department also confirms that this person has access to relevant support consistent with Australian community standards.

**10. Tabling statement for assessment: 1000819-O2, 1000872-O, 1001237-O2, 1001970-O2, 1002574-O1, 1002576-O1, 1002582-O1, 1002595-O1, 1002691-O1, 1002763-O1, 1002792-O, 1002798-O, 1002822-O, 1002831-O, 1002833-O, 1002848-O, 1002853-O, 1000875-O2, 1000997-O1, 1001148-O2, 1002359-O3, 1002373-O3, 1002732-O1, 1002799-O, 1002816-O, 1002819-O, 1002836-O, 1002840-O, 1002842-O, 1002844-O, 1002849-O, 1002866-O, 1002872-O, 1002873-O, 1002874-O, 1001302-O2, 1001675-O3, 1001712-O1, 1001728-O2, 1001736-O2, 1001784-O3, 1001847-O2, 1002177-O2, 1002515-O2, 1002621-O1, 1002642-O1, 1002776-O1, 1002800-O, 1002832-O, 1002837-O, 1002864-O, 1002881-O, 1000958-O3, 1001271-O2, 1001308-O2, 1002520-O2, 1002626-O1, 1002629-O1, 1002635-O1, 1002640-O1, 1002643-O1, 1002772-O1, 1002773-O1, 1002787-O1, 1002826-O, 1002835-O, 1002858-O, 1002861-O, 1002868-O, 1002870-O, 1002871-O**

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

**General Comment:**

The Statement to Parliament No. 20 / 2018, tabled on 15 October 2018, had a typographical error at the end of the assessment numbers in paragraphs 1 to 5, where '0' was inserted instead of an 'O' after the dash for each of the assessments.

Therefore, the assessment numbers in paragraphs 1 to 5 of the Tabling Statement No. 20 / 2018, are being substituted with the following numbers:

**1002171-O2, 1000880-O2, 1002781-O, 1002534-O1 and 100894-O1**

(Original signed by David Coleman)

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

20 / 11 / 2018