

**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 40 assessments refer to 84 people who have been in immigration detention for two or more years. Of these, 27 assessments pertaining to 61 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1002186.

I note the Ombudsman's recommendation. This person has been granted a Bridging E visa and is currently located in the community.

2. Tabling statement for assessments: 1002307.

I note the Ombudsman's recommendation. I have intervened under section 46A of the *Migration Act 1958* (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 Safe Haven Enterprise visa.

3. Tabling statement for assessment: 1002529.

I note the Ombudsman's recommendation. This person has met the section 195A guidelines and will now be referred to me for my consideration to grant this person a Bridging E visa.

4. Tabling statement for assessment: 1002781.

I note the Ombudsman's recommendation. The department is preparing a submission for my consideration of this person's case under section 46A of the Act to lift the bar to allow this person to lodge a Temporary Protection visa or Safe Haven Enterprise visa application.

5. Tabling statement for assessment: 1002988.

I note the Ombudsman's recommendation. This family includes an infant born onshore after 1 January 2014. An instrument came into effect on 1 April 2016 to allow these infants to have the bar lifted under section 46A of the Act. The department will progress this cohort in due course.

6. Tabling statement for assessment: 1003053.

I note the Ombudsman's recommendation. The department has reviewed this person's case. This person has not presented with any significant health concerns and at this time the department considers the placement appropriate.

7. Tabling statement for assessment: 1003078.

I note the Ombudsman's recommendation. This person has been identified for assessment against the Ministerial guidelines, for a possible referral to me for my consideration under section 195A of the Act, for the grant of a Bridging E visa.

8. Tabling statement for assessment: 1003436.

I note the Ombudsman's recommendation. I have intervened under section 46A of the Act to lift the bar to allow this person to lodge a Temporary Protection visa or Safe Haven Enterprise visa application. This person has been invited to apply for a Temporary Protection or Safe Haven Enterprise visa. This person was referred to me for consideration under section 195A of the Act for the grant of a Bridging E visa. I declined to intervene.

9. Tabling statement for assessments: 1002140, 1002967, 1002972.

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 Safe Haven Enterprise visa application. These people have been granted Bridging E visas and are currently residing lawfully in the community.

10. Tabling statement for assessments: 1002513, 1002627, 1002866, 1002933, 1002965, 1003192.

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 Safe Haven Enterprise visa application. These people have been invited to apply for a Temporary Protection visa or Safe Haven Enterprise visa. These people have been granted Bridging E visas and are currently residing lawfully in the community.

11. Tabling statement for assessments: 1002351, 1002632, 1002899, 1003015, 1003282.

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 Safe Haven Enterprise visa application. These people have lodged a Temporary Protection visa or Safe Haven Enterprise visa application. These people have been granted Bridging E visas and are currently residing lawfully in the community.

12. Tabling statement for assessments: 1002634, 1002647.

I note the Ombudsman's recommendation. These families include an infant born onshore after 1 January 2014. An instrument came into effect on 1 April 2016 to allow these infants to have the bar lifted under section 46A of the Act. The department will progress this cohort in due course. These people have been granted Bridging E visas and are currently residing lawfully in the community.

13. Tabling statement for assessments: 1002826.

I note the Ombudsman's recommendation. This person arrived in Australia between 13 August 2012 and 19 July 2013 and was transferred to a Regional Processing Centre. An instrument to bring this person into the Fast Track Assessment process came into effect on 1 April 2016. The department will prepare a submission for my consideration to intervene, under section 46A of the Act, to allow this person to lodge an application for a Temporary Protection visa or Safe Haven Enterprise visa. This person has been granted a Bridging E visa and is currently residing lawfully in the community.

14. Tabling statement for assessments: 1002931, 1003469.

I note the Ombudsman's recommendations. These people arrived in Australia between 13 August 2012 and 19 July 2013 and were transferred to a Regional Processing Centre. An instrument to bring these people into the Fast Track Assessment process came into effect on 1 April 2016. The department will prepare a submission for my consideration to intervene, under section 46A of the Act, to allow these people to lodge an application for a Temporary Protection visa or Safe Haven Enterprise visa.

15. Tabling statement for assessments: 1002128, 1002569, 1002880, 1002910, 1002916, 1002979, 1002986, 1002991, 1003371, 1003398, 1003425, 1003431, 1003530

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
27 / 04 / 2016