

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

STATEMENT TO PARLIAMENT - No. 17 / 2017

General Comments

I refer to the Commonwealth Ombudsman's assessments tabled in Parliament today. The 26 assessments refer to 39 people who have been in immigration detention for two or more years. Of these, 13 assessments pertaining to 21 detainees contained recommendations.

Response to the Commonwealth Ombudsman's assessments

1. Tabling statement for assessment: 1000512-O1.

I note the Ombudsman's recommendations. This person has requested to be removed from Australia. Consideration of the grant of a Bridging E visa under section 195A of the *Migration Act 1958* (the Act) is not appropriate while their removal process is progressed. The department has reviewed this person's placement and found their current placement is appropriate.

2. Tabling statement for assessment: 1000677-O.

I note the Ombudsman's recommendation. I have recently considered this person's case under section 195A of the Act, for the grant of a Bridging E visa, and declined to intervene. As there has been no significant change in this person's case, further consideration under section 195A of the Act is not appropriate at this time.

3. Tabling statement for assessment: 1000727-O1.

I note the Ombudsman's recommendation. I have agreed to consider this person's case under section 195A of the Act for the possible grant of a Bridging E visa.

4. Tabling statement for assessment: 1002151-O.

I note the Ombudsman's recommendations. This person is the subject of an ongoing security assessment. Consideration of their case under section 195A of the Act for the grant of a Bridging E visa is not appropriate at this time. The department has reviewed this person's placement and found that a transfer is not possible at this time due to capacity issues.

5. Tabling statement for assessment: 1002240-O1.

I note the Ombudsman's recommendation. This person's case is being reviewed for possible referral to me for my consideration under section 501 of the Act.

6. Tabling statement for assessment: 1002260-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 since been transferred back to Australia. The department continues to identify options to manage this person's immigration status. This person has been granted a Bridging E visa and is currently residing lawfully in the community.

7. Tabling statement for assessment: 1002278-O1.

I note the Ombudsman's recommendation. The department has reviewed this person's placement and found their current placement is appropriate.

8. Tabling statement for assessment: 1002368-O1.

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 a Safe Haven Enterprise visa application. The department has invited this person to apply for one of these visas.

9. Tabling statement for assessment: 1002540-O.

I note the Ombudsman's recommendations. This person has been identified for assessment against the s197AB guidelines for a possible community detention placement. This person's case will not be referred to me for my consideration under s195A or s197AB of the Act until the review of their case by the Administrative Appeals Tribunal is finalised.

10. Tabling statement for assessment: 1002339-O1, 1002343-O1, 1002497-O, 1002502-O.

I note the Ombudsman's recommendations. These people arrived after 19 July 2013 and were transferred to a regional processing centre. These people have since been temporarily transferred to Australia for medical treatment. The department is supporting the relevant offshore government to finalise these people's refugee status determination while they remain in Australia.

11. Tabling statement for assessment: 1000790-O, 1000908-O, 1000994-O, 1001101-O, 1001267-O1, 1001529-O1, 1002065-O, 1002228-O1, 1002499-O, 1002504-O, 1002517-O, 1002541-O, 1002548-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 Immigration and Border Protection
10/10/2017