

**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. These reports refer to 12 people who have been held in immigration detention for two or more years.

One person has been granted a Protection visa, one person has had their previous visa reinstated, and one person remains in community detention. Of the nine people remaining in an immigration detention centre, immigration residential housing or immigration transit accommodation, three people have ongoing merits, tribunal or judicial review matters and my Department is investigating whether a further six people can be settled in other countries.

Responses to the Commonwealth Ombudsman's assessments

Statement 644/11

This person remains in immigration detention.

I note the Ombudsman's recommendations regarding this person's placement and can advise that this person was transferred to a less restrictive placement at Villawood Immigration Detention Centre (VIDC) in July 2011, where their brother also resided.

My Department has also offered this person a less restrictive placement at the Sydney Immigration Residential Housing (SIRH). However, this person declined the transfer to the SIRH. I am not inclined to approve a community detention placement for this person.

I note the Ombudsman's recommendations regarding access to religious services and mental health support. This person currently receives ongoing mental health support and can access a variety of religious services at VIDC, which are provided by religious representatives from the community. Religious services not currently offered on site at VIDC may be requested through the Detention Services Provider.

My Department is investigating whether this person can be settled in another country.

Statement 645/11

This person remains in immigration detention.

I note the Ombudsman's recommendations regarding this person's placement and can advise that this person was transferred to a less restrictive placement at Villawood Immigration Detention Centre (VIDC) in July 2011. I am not inclined to approve a community detention placement for this person.

I note the Ombudsman's recommendations regarding access to religious services and mental health support. This person currently receives ongoing mental health support and can access a variety of religious services at VIDC, which are provided by religious representatives from the community. Religious services not currently offered on site at VIDC may be requested through the Detention Services Provider.

My Department is investigating whether this person's family links overseas can provide this person with opportunities for settlement in other countries.

Statement 646/11

This person remains in immigration detention.

I note the Ombudsman's recommendations regarding this person's placement and can advise that this person was transferred to a less restrictive placement at Villawood Immigration Detention Centre (VIDC) in July 2011. I am not inclined to approve a community detention placement for this person.

I note the Ombudsman's recommendations regarding access to religious services and mental health support. This person currently receives ongoing mental health support and can access a variety of religious services at VIDC, which are provided by religious representatives from the community. Religious services not currently offered on site at VIDC may be requested through the Detention Services Provider.

I also note the Ombudsman's recommendation about the provision of reading material at VIDC in this person's language. Access to literature in this person's language is available through an extensive library service within the detention facility. Newspapers are also provided in this person's language.

My Department is investigating whether this person can be settled in another country, including if this person's family links overseas can provide this person with opportunities for settlement in other countries.

Statement 647/11

This person remains in immigration detention.

This person has an outstanding matter before the High Court that must be finalised before my Department can progress the resolution of this person's immigration status.

Statement 650/11

This person remains in immigration detention.

I note the Ombudsman's recommendations regarding this person's placement and can advise that this person has been residing at the Sydney Immigration Residential Housing (SIRH) since September 2010. I am not inclined to approve a community detention placement for this person.

My Department is investigating whether this person can be settled in another country.

Statement 651/11

This person remains in immigration detention.

I note the Ombudsman's recommendations regarding this person's placement and can advise that this person was transferred to a less restrictive placement at the Melbourne Immigration Transit Accommodation in October 2011. I am not inclined to approve a community detention placement for this person.

My Department is investigating whether this person can be settled in another country.

Statement 656/11

This person was granted a Protection visa and released from immigration detention in October 2011.

Statement 660/11

Following a decision by the Administrative Appeals Tribunal, this person's visa was reinstated and they were released from immigration detention in July 2011.

Statement 663/11

This person remains in immigration detention.

I note the Ombudsman's recommendation that I consider the exercise of my residence determination powers under section 197AB of the *Migration Act 1958*. My Department is currently preparing advice for me to consider this person's circumstances.

Statement 664/11

This person remains in community detention.

This person has an outstanding matter before the Administrative Appeals Tribunal that must be finalised before my Department can progress the resolution of this person's immigration status.

Statement 665/11

This person remains in immigration detention.

I note the Ombudsman's recommendations regarding this person's placement and can advise that this person transferred to a less restrictive placement at the Sydney Immigration Residential Housing in October 2011. I am not inclined to approve a community detention placement for this person.

My Department is investigating whether this person can be settled in another country.

Statement 668/11

This person remains in immigration detention.

I note the Ombudsman's recommendation regarding this person's placement. My Department is currently considering whether this person's circumstances meet the guidelines for referral to me for consideration of a community detention placement. I will consider this person's circumstances if they meet the guidelines for referral to me.

(original signed by Chris Bowen)

CHRIS BOWEN
Minister for Immigration and Citizenship
Dated: 21 November 2011