

**RESPONSE TO OMBUDSMAN'S ASSESSMENTS MADE
UNDER SECTION 4860 OF THE MIGRATION ACT 1958**

STATEMENT TO PARLIAMENT

General Comments

I refer to the eleven Commonwealth Ombudsman's assessments tabled in Parliament today. These reports refer to eleven people who were held in Immigration Detention for two or more years.

Of these eleven people, three have been granted permanent visas, two have been removed from Australia, and one has been released on a temporary visa. Of the five people remaining in an Immigration Detention Centre, two have ongoing matters at the Federal Court and three are on a removal pathway.

Responses to Ombudsman's Assessments

Statement 600/10

In November 2010 this person was released from immigration detention after they were granted a permanent visa.

Statement 601/10

In November 2010 this person was released from immigration detention after they were granted a permanent visa.

Statement 602/10

This person has been removed from Australia.

I note the Ombudsman made no recommendations in his report.

Statement 603/10

This person was released from immigration detention in May 2010, when they were found to be case law affected and their Bridging visa was reinstated.

My Department's refusal of this person's Partner visa application was upheld by the Migration Review Tribunal in October 2010. This person may seek further reviews of this decision. Should these reviews be unsuccessful, my Department will make arrangements to remove them from Australia.

I note the Ombudsman made no recommendations in his report.

Statement 604/10

This person remains in immigration detention.

My Department continues to investigate the new identity claims of this person, which have been a barrier to achieving a permanent immigration outcome.

I have noted the Ombudsman's recommendation regarding this person and my Department will seek to remove this person once their identity issues have been resolved.

Statement 605/10

This person remains in immigration detention.

This person is currently on a removal pathway and my Department is currently working with other agencies to effect this person's removal from Australia.

I note the Ombudsman's comments regarding this person and the length of time they have spent in detention, and while their circumstances are complex, the former Minister recently declined to intervene in this person's case to allow them to reside in the community.

This person's detention placement is subject to regular review and changes to this person's placement will be considered as appropriate.

Statement 606/10

This person has been removed from Australia.

The former Minister's previous statement in relation to this person requested a formal response to the Ombudsman's concerns about this person's identity investigation. My Department has forwarded that response to the Ombudsman for his consideration.

I note the Ombudsman made no recommendations in his most recent report.

Statement 607/10

This person was released from immigration detention after the former Minister exercised his public interest powers to grant this person a permanent visa in September 2010.

I note the Ombudsman's concerns about the length of time this person has spent in immigration detention, and my Department is currently arranging suitable transitional support to enable this person to reside lawfully in the community.

Statement 608/10

This person remains in immigration detention.

This person is on a removal pathway however the department cannot effect their removal until their identity has been established. My Department continues to work with this person to gather evidence of their identity and is pursuing various avenues of inquiry to resolve these issues.

I welcome the Ombudsman's observations regarding the supportive approach being provided by this person's Case Manager to assist them in dealing with identity issues.

I have noted the Ombudsman's recommendations relating to this person and my Department is currently preparing advice regarding the availability of alternative detention placements for my consideration.

Statement 609/10

This person remains in immigration detention.

This person had their visa cancelled under section 501 of the Migration Act 1958 after being convicted of serious offences and sentenced to imprisonment, and currently has an outstanding appeal of this decision with the Federal Court.

This person has recently lodged a travel document application and is currently on a removal pathway. Should their Federal Court appeal be unsuccessful, my Department will effect their removal as soon as is practicable.

I note the Ombudsman made no recommendations in his report.

Statement 610/10

This person remains in immigration detention.

This person's Protection visa was refused by my Department and upheld by the Administrative Appeals Tribunal. This person currently has an ongoing review of this decision before the Federal Court.

In June 2010, the former Minister indicated that he would not consider intervening in this person's case to place them in Community Detention.

This person's detention placement is subject to regular review, and changes to this person's placement will be considered as appropriate.

(original signed by Chris Bowen)

CHRIS BOWEN
Minister for Immigration and Citizenship

Dated: 16/11/10