

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

STATEMENT TO PARLIAMENT

General Comments

I refer to the Commonwealth Ombudsman's reports tabled in Parliament today. I note that these reports comprise nine assessments that concern ten people.

Of these ten people, two have been removed from Australia, six remain in an Immigration Detention Centre (IDC) and two are accommodated in community detention.

Of the six people remaining in an IDC, one has an ongoing matter at the Administrative Appeals Tribunal (AAT); two have ongoing Ministerial Intervention requests before the department and three are on a removal pathway.

Of the two people placed in community detention, one has an ongoing matter at the Refugee Review Tribunal (RRT). My department is preparing a detailed submission regarding the United Nations Human Rights Committee (UNHRC) report and resolution options for the other person in community detention.

Responses to Ombudsman's Reports

Statement (581/10)

These people have been removed from Australia.

I welcome the Ombudsman's observation that the department took appropriate steps to provide post removal support.

Statement 582/10

This person remains in immigration detention.

This person was included in a review of all cases in detention. As part of this review I intervened to place this person in Community Detention on 20 April 2009. I later revoked this placement following a breach of the client's Community Detention conditions after the client was charged with a criminal offence.

This person is on a removal pathway and the department has prepared a detailed submission for me to consider this case.

I note the Ombudsman's assessment of the department's identity investigation and have requested the department prepare a formal response addressing the Ombudsman's concerns.

Statement 583/10

This person remains in immigration detention.

A former Minister intervened to place this person in Community Detention on 21 June 2007.

I am aware of the views adopted by the Human Rights Committee regarding this case. In accordance with normal practice, the Government responded on 6 May 2010.

I have noted the Ombudsman's recommendation regarding this person. My department has consulted with relevant Federal departments and is preparing advice for me to consider this person's circumstances.

Statement 584/10

This person remains in immigration detention.

This person was included in a review of all cases in detention. As part of this review, on 1 November 2008 I declined to intervene in this case.

Resolution of this person's identity remains the reason for the delay in progressing the case towards an immigration outcome. The department is continuing to actively investigate the person's identity.

The department has recently received a further s417 Ministerial Intervention request and is assessing this case against the referral guidelines and should this person's case meet these guidelines, the department will prepare a submission for me to again consider this person's circumstances.

I have noted the Ombudsman's report regarding this person. This person's detention placement is subject to regular review and changes to this person's placement will be considered as appropriate.

Statement 585/10

This person remains in immigration detention.

I have considered this person's case on a number of occasions, most recently on 27 April 2009. I decided that it was not in the public interest to intervene in this case and agreed to the department continuing to make removal arrangements.

This person is on a removal pathway. I have noted the Ombudsman's recommendations regarding this person and the department will be providing

this person with accommodation and a destitute allowance as post removal support. This person will also be linked to support agencies to provide assistance post arrival.

Statement 586/10

This person remains in immigration detention.

I have considered this person's case on a number of occasions, most recently on 2 December 2009. I decided that it was not in the public interest to intervene in this case and agreed to the department continuing to make removal arrangements.

I note the Ombudsman's recommendation that should this person's removal be unreasonably delayed that the detention placement be reviewed. This person's detention placement is subject to regular review, and changes to this person's placement will be considered as appropriate.

Statement 587/10

This person remains in immigration detention.

This person was included in a review of all cases in detention. As part of this review, on 12 December 2008 I lifted the s48 bar allowing this person to lodge a further Protection Visa application.

This person applied for a Protection Visa on 23 December 2008, which was subsequently refused. This person has an ongoing review before the Administrative Appeals Tribunal.

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

Statement 588/10

This person remains in immigration detention.

My department referred a submission to me for consideration of this person's case and on 14 September 2009 I decided that it was not in the public interest to intervene in this case and agreed to the department continuing to make removal arrangements.

As part of removal arrangements the department is currently determining what type of post-removal support will be provided to this person.

Should this person's removal be delayed, their placement will be reviewed as appropriate.

I have noted the Ombudsman's recommendations regarding this person and have requested the department to investigate the Ombudsman's concerns and enact the recommendations.

Statement 589/10

This person remains in immigration detention.

This person has an ongoing review before the Refugee Review Tribunal.

I have noted the Ombudsman's recommendation regarding this person and continue to hold the view that Community Detention remains appropriate pending the outcome of the RRT review.

(Original signed by Chris Evans)

CHRIS EVANS
Leader of the Government in the Senate
Minister for Immigration and Citizenship
Dated: 11/5/2010