



# **Migration Amendment (2026 Measures No. 1) Act 2026**

**No. 10, 2026**

**An Act to amend the *Migration Act 1958*, and for  
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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# Migration Amendment (2026 Measures No. 1) Act 2026

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## An Act to amend the *Migration Act 1958*, and for related purposes

[Assented to 13 March 2026]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Migration Amendment (2026 Measures No. 1) Act 2026*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	13 March 2026
2. Schedule 1	The day after this Act receives the Royal Assent.	14 March 2026

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Arrival control powers**

### **Part 1—Amendments**

#### *Migration Act 1958*

##### **1 Subsection 5(1)**

Insert:

*arrival control determination* has the meaning given by section 84B.

*permitted travel certificate* has the meaning given by section 84D.

##### **2 Subsection 5(1) (subparagraph (b)(i) of the definition of *visa period*)**

After “in effect”, insert “otherwise than under section 84E”.

##### **3 Subsection 5(1) (at the end of subparagraph (b)(ii) of the definition of *visa period*)**

Add “or section 84E”.

##### **4 After subsection 68(3)**

Insert:

Note: A visa that has ceased to be in effect under section 84E may come into effect again under that section during the visa period for the visa.

##### **5 Subsection 82(9)**

Omit “sections 173 and 174”, substitute “sections 84E, 173 and 174”.

##### **6 After Subdivision AG of Division 3 of Part 2**

Insert:

## Subdivision AGA—Arrival control determinations

### 84A Object of Subdivision

The object of this Subdivision is to allow temporary restrictions on the arrival of certain classes of temporary visa holders in Australia, where this is necessary to protect the integrity and sustainability of Australia's immigration system, including when events or circumstances outside Australia mean that there is an increased risk that certain classes of temporary visa holders will not depart Australia when their visas cease to be in effect.

### 84B Minister may make arrival control determinations

- (1) The Minister may, by legislative instrument, make a determination (an *arrival control determination*) specifying that section 84E (suspension of temporary visas held by non-citizens) applies, either generally or in specified circumstances, to one or more specified classes of non-citizens.

Note: Section 84F requires the Minister to cause a copy of an arrival control determination to be tabled in each House of the Parliament within 2 sitting days of that House after making the determination.

- (2) Before making an arrival control determination, the Minister must be reasonably satisfied that:
  - (a) an event or circumstance has occurred, or is occurring, outside Australia; and
  - (b) one or both of the following apply:
    - (i) having regard to the event or circumstance, non-citizens of a kind to whom the determination is to apply may, if they enter Australia on a temporary visa, remain in Australia after the visa ceases to be in effect;
    - (ii) if the event or circumstance had occurred, or had been occurring, at the time non-citizens of a kind to whom the determination is to apply were to make an application for a temporary visa, the visa may not have been granted; and
  - (c) having regard to the object of this Subdivision, it is in the national interest to make the determination.

- (3) Before making an arrival control determination, the Minister must obtain agreement in writing to the making of the determination from:
- (a) the Prime Minister; and
  - (b) the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

- (4) The Minister may, by legislative instrument, revoke an arrival control determination made under subsection (1).

*When arrival control determination is in force*

- (5) An arrival control determination must specify the period for which the determination is in force, which must not be longer than the period that the Minister considers appropriate in all the circumstances.

Note: Under subsection (6), an arrival control determination cannot be in force longer than the period of 6 months beginning on the day after the day the determination commences.

- (6) An arrival control determination is repealed at the earlier of the following times (unless revoked earlier under subsection (4)):
- (a) the end of the period specified for the purposes of subsection (5);
  - (b) the end of the period of 6 months beginning on the day after the day the determination commences.

*Personal power etc.*

- (7) The power under subsection (1) or (4) may only be exercised by the Minister personally.
- (8) The rules of natural justice do not apply to an exercise of power under subsection (1) or (4).
- (9) Subsection 33(3) of the *Acts Interpretation Act 1901* does not apply to the power under subsection (1) of this section.

Note: An arrival control determination may not be varied or amended, but may be revoked under subsection (4) of this section.

- (10) Nothing in this Act prevents the Minister from exercising the power in subsection (1) more than once in relation to:

- (a) the same event or circumstance; or
  - (b) the same class of non-citizens.
- (11) An arrival control determination may make different provision with respect to different classes of non-citizens.
- (12) The Minister must ensure only one arrival control determination is in force in relation to a particular class of non-citizens at any one time.
- (13) Section 42 (disallowance) of the *Legislation Act 2003* does not apply to:
- (a) an arrival control determination made under subsection (1); or
  - (b) a revocation of an arrival control determination under subsection (4).

**84C Arrival control determination does not apply in relation to certain kinds of non-citizens**

- (1) An arrival control determination does not apply at a particular time in relation to a non-citizen if, at that time, the non-citizen holds:
- (a) a protection visa that is a temporary visa; or
  - (b) a temporary safe haven visa; or
  - (c) a visa classified by the regulations as a Temporary (Humanitarian Concern) (Class UO) visa; or
  - (d) a bridging visa granted as a result of an application for a visa of a kind referred to in any of paragraphs (a), (b) or (c).

Note 1: A protection visa is a visa of a class provided for by section 35A. Examples of protection visas that are temporary visas include temporary protection visas (see subsection 35A(3)) and safe haven enterprise visas (see subsection 35A(3A)).

Note 2: An arrival control determination does not cause permanent visas to cease to be in effect (see subsection 84E(1)). As a result, permanent visas such as permanent protection visas, or visas classified by the regulations as a Refugee and Humanitarian (Class XB) visa are not affected by an arrival control determination.

- (2) Subsection (1) has effect in relation to a visa holder regardless of whether the visa is granted before, on or after the time the determination comes into force.

- (3) An arrival control determination does not apply at any time in relation to a non-citizen if the non-citizen is in the migration zone at the time the determination commences.
- (4) An arrival control determination does not apply in relation to a non-citizen at a particular time if, at that time, the non-citizen is:
- (a) the spouse, de facto partner or dependent child (within the meaning of the regulations) of:
    - (i) an Australian citizen; or
    - (ii) the holder of a permanent visa that is in effect; or
    - (iii) a person who is usually resident in Australia and whose continued presence in Australia is not subject to a limitation as to time imposed by law; or
  - (b) the parent of a child who is under 18 and who is in Australia; or
  - (c) the subject of a permitted travel certificate that is in force.
- Note: An arrival control determination does not apply to a non-citizen if the Minister issues a permitted travel certificate in relation to the non-citizen (see subsection 84D(1)). Under subsection 84D(5), a permitted travel certificate may not be revoked while the non-citizen is in the migration zone.
- (5) Subsections (1), (3) and (4) apply despite anything in an arrival control determination.

**84D Minister may certify that arrival control determination does not apply in relation to a particular non-citizen**

- (1) The Minister may issue a certificate (a *permitted travel certificate*) providing that an arrival control determination does not apply in relation to a particular non-citizen if the Minister is satisfied in all the circumstances that it is appropriate for the determination not to apply to that non-citizen (whether or not the certificate is requested under subsection (2)).
- (2) A non-citizen, or a person authorised to act on behalf of the non-citizen, may make a request in writing to the Minister for a permitted travel certificate in relation to the non-citizen.

- (3) If the Minister issues a permitted travel certificate in relation to a non-citizen, the certificate has effect despite anything in the arrival control determination.

Note: An arrival control determination may specify that section 84E (suspension of temporary visas held by non-citizens) applies, either generally or in specified circumstances, to one or more specified classes of non-citizens.

- (4) A permitted travel certificate must be in writing.
- (5) The Minister may, in writing, revoke a permitted travel certificate in relation to a non-citizen at a particular time if the non-citizen is not in the migration zone at that time.

*Other matters*

- (6) Each of the following is not a legislative instrument:
- (a) a permitted travel certificate;
  - (b) a revocation under subsection (5).
- (7) The rules of natural justice do not apply to an exercise of power under subsection (1) or (5).
- (8) The Minister does not have a duty to consider whether to exercise the power to issue a permitted travel certificate in relation to a particular non-citizen, whether the Minister is requested to do so under subsection (2), or in any other circumstances.

*Report to Parliament*

- (9) The Minister must, as soon as practicable after the end of each period of 6 months beginning on 1 January or 1 July, cause a report to be laid before each House of the Parliament containing a statement of the number of permitted travel certificates issued under this section during the period.

**84E Temporary visas of non-citizens in class specified in arrival control determination cease to be in effect etc.**

*Temporary visa of non-citizen not in the migration zone ceases to be in effect*

- (1) A temporary visa held by a non-citizen ceases to be in effect if an arrival control determination that is in force applies to the non-citizen.

Note 1: In general, non-citizens must not travel to Australia without a visa that is in effect (see section 42). Visa holders are usually required to enter Australia at a port (see section 43). A person who enters Australia must provide evidence of their identity (see section 166).

Note 2: An arrival control determination does not apply in relation to certain non-citizens, including a non-citizen who is in the migration zone at the time the determination commences, or a non-citizen who is the subject of a permitted travel certificate that is in force (see section 84C).

Note 3: Under subsection 84D(5), a permitted travel certificate may not be revoked while the non-citizen is in the migration zone.

*Temporary visa may come into effect again*

- (2) If a temporary visa held by a non-citizen has ceased to be in effect under subsection (1), the visa comes into effect again at a particular time during the visa period for the visa if, at that time:
- (a) the arrival control determination referred to in that subsection is revoked or otherwise ceases to be in effect; or
  - (b) the non-citizen ceases to be in a class of non-citizens specified in the determination mentioned in paragraph (a); or
  - (c) the non-citizen becomes a non-citizen to whom the determination mentioned in paragraph (a) does not apply.

*Other cessation provisions not limited or otherwise affected*

- (3) This section does not limit, or otherwise affect, any other provision of this Act under which a visa ceases to be in effect.

Note: A non-citizen's visa may cease to be in effect under another provision of this Act. If that occurs, the visa period for the visa ends (see subparagraph (b)(i) of the definition of *visa period* in subsection 5(1)) and the non-citizen will no longer hold the visa (see section 77).

**84F Statement relating to arrival control determination etc. to be laid before Parliament**

- (1) If the Minister makes an arrival control determination, the Minister must cause to be laid before each House of the Parliament:
  - (a) a copy of the determination; and
  - (b) a statement of the Minister's reasons for making the determination.
- (2) The Minister must comply with subsection (1) within 2 sitting days of each House of the Parliament after the day on which the determination is made.
- (3) A failure to comply with subsection (1) or (2) does not affect the validity of the determination.

**7 Paragraph 474(7)(a)**

After "paragraph 72(1)(c),", insert "section 84B,".

## **Part 2—Application provision**

### **8 Application provision**

Subdivision AGA of Division 3 of Part 2 of the *Migration Act 1958*, as inserted by this Schedule, applies in relation to visas granted before, on or after the commencement of this item.

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[*Minister's second reading speech made in—  
House of Representatives on 10 March 2026  
Senate on 11 March 2026*]

(29/26)