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Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number: MS26-000682

Date of Clearance: 17/03/2026

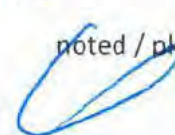
To Minister for Home Affairs, Minister for Immigration and Citizenship,
Minister for Cyber Security

Subject Proposed Arrival Control Determination

Timing For consideration by *as soon as practicable* in order to seek agreement from the Prime Minister and Minister for Foreign Affairs to make an Arrival Control Determination.

Recommendations

That you:

1. ~~s.~~ 42(1)   agreed / not agreed
 2. ~~s.~~ 42(1)   agreed / not agreed
 3. **approve** the text of the proposed (draft) *Migration (Arrival Control) Determination 2026 (Attachment B)* for the purposes of seeking the agreement of the Prime Minister and Minister for Foreign Affairs to make the Determination;  approved / not approved
- and if you agree to recommendations 1, 2 and 3:
4. **sign** the letters to the Prime Minister, and the Minister for Foreign Affairs seeking agreement to make the proposed Determination (**Attachment C** and **Attachment D**);  signed / please discuss
 5. **note** that subject to the agreement of the Prime Minister and the Minister for Foreign Affairs, the Department will provide a settled Determination and Decision Statement for your consideration and making under section 84B of the Act;  noted / please discuss
 6. **agree** to the Department of Home Affairs (the Department) preparing an instrument of delegation to allow officers of the Department, including the Australian Border Force, to issue or revoke permitted travel certificates (PTCs); and  agreed / not agreed

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7. agree the Department will develop policy to assess PTCs, including that departmental officers will consider favourably parents of Australian citizens and individuals whose circumstances suggest they will depart within their visa validity period.

agreed not agreed

Minister for Home Affairs, Minister for Immigration and Citizenship,
Minister for Cyber Security

Signature.....

Date...../...../2026

Minister's Comments

Key Issues

1. The *Migration Amendment (2026 Measure No. 1) Act 2026* amended the *Migration Act 1958* (Migration Act) to provide the Minister with the personal power to make an Arrival Control Determination (ACD) by legislative instrument. The Act allows for certain temporary visas held by one or more specified classes of non-citizens to be temporarily suspended in specific circumstances. The Amendment Act commenced on 14 March 2026.
2. Before making an ACD under s 84B(1) of the Migration Act, the Minister must be reasonably satisfied, under s 84B(2), that an event or circumstance has occurred or is occurring outside Australia, and that one or both of the following apply:
 - 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 (s 84B(2)(b)(i)); or
 - 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 (s 84B(2)(b)(ii)).
3. Before making the ACD, the Minister must also be reasonably satisfied, under s 84B(2)(c), that it is in the national interest to make the determination, having regard to the object of Subdivision AGA. The object of the Subdivision is set out in new section 84A of the Act.
4. The Prime Minister and Minister for Foreign Affairs must also agree in writing to the making of the ACD, before the Minister makes it.

s. 47C(1)

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s. 47C(1)

s. 47C(1), s. 42(1)

a.

s. 47C(1), s. 42(1)

6. If you propose to exercise the power under s 84B(1) of the Act to make an ACD, the Department of Home Affairs (the Department) has prepared draft letters to the Prime Minister, the Hon Anthony Albanese MP and Senator the Hon Penny Wong, Minister for Foreign Affairs for your signature, seeking their agreement to the making of an ACD (Attachment C and Attachment D). It is proposed that these letters also attach a copy of the draft ACD and Decision Statement.

- a. Subsection 84B(3) of the Act requires that you obtain agreement in writing from the Prime Minister and the Minister administering the *Diplomatic Privileges and Immunities Act 1967* before making an ACD.

s. 47C(1), s. 47E(d)

8. s. 47C(1), s. 47E(d) the ACD would only apply to Iranian nationals, outside Australia, who hold an Iranian passport and who hold a Subclass 600 (Visitor) visa associated with that passport. No other temporary visas are proposed for inclusion in the ACD.
9. This will affect approximately 6,800 Iranian nationals who are offshore hold a subclass 600 (Visitor) visa.

Permitted travel certificates

10. Section 84D of the Migration Act provides that the Minister may issue a permitted travel certificate (PTC) to a non-citizen who would otherwise be within scope of an ACD, if the Minister is satisfied in all the circumstances that it is appropriate for the determination not to apply to that non-citizen.
11. The power to issue a PTC, and the power to revoke a PTC, are not personal powers of the Minister, and can be delegated to appropriate departmental and Australian Border Force (ABF) officers. A non-citizen may request a PTC, or a PTC may be issued by the Minister or their delegate without request.
12. We seek your agreement to prepare an instrument of delegation to allow certain APS3 to SES Band 3 departmental and ABF officers to issue and revoke PTCs in accordance with subsections 84D(1) and 84D(5) of the Act. Delegation of these powers would ensure appropriate and timely decision making on requests, and to respond to individual case circumstances where necessary.

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s. 47E(d)

Background

13. s. 47C(1)

Subsection 84C(4) provides that an ACD does not apply to the spouse, de facto partner or dependent child of an Australian citizen or permanent resident, or the parent of a child who is under 18 and who is in Australia.

14. An individual to whom the ACD applies may apply for a PTC. s. 47E(d)

Consultation-Internal/External

15. Skilled & Temporary Visa & Capability Division; Citizenship, Humanitarian, Family and Support Division; Temporary Visas Branch; Legal Division; Immigration Integrity and Assurance; Immigration Systems and Business Capability; Reporting and Data; Service Delivery Operations; Specialist Identify Services; ABF.
16. Externally, the Department has consulted with the Department of Prime Minister and Cabinet, the Department of Foreign Affairs and Trade; the AGS; and the Office of Impact Analysis.
17. The Immigration Deputy Secretary was consulted on the approach in the submission.
18. Legal Group have been consulted on the approach in this submission.

Client Service Implications

19. Should an ACD be made, it will impact persons specified in the determination through preventing their travel.
 - a. Impacted non-citizens will be able to request an ACD check to confirm their status and where necessary request a PTC to allow them to travel to Australia.
 - i. s. 47C(1)
 - b. A dedicated online portal will be established for this purpose.

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- c. Information will be available on the Department's website via its Global Service Centre to assist clients with this process.

Risks and Sensitivities

20. The ACD framework has received a divisive reception following introduction to Parliament. There are significant implications for classes of persons specified within an ACD, including loss of travel rights, visa validity and lost fees associated with the visa application.

- a. **s. 47C(1)**

21. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long-standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Operations team—media@homeaffairs.gov.au.

- a. The Department has prepared a range of materials, including talking points and updates on the Department's website.

Financial/systems/legal/deregulation/media implications

22. To help manage risks of implementation, the Department will seek to align as much as possible with systems limitations in identifying a class of persons.

Attachments

Attachment A Proposed Determination under – s84B of the Migration Act – Proposed Decision Statement

Attachment B Proposed (draft) Arrival Control Determination [to enclose with letters at Attachments C and D]

Attachment C Letter to the Prime Minister

Attachment D Letter to the Minister for Foreign Affairs and Trade

Authorising Officer

Cleared by:

Michael Willard
Deputy Secretary
Immigration Program Group

Date: 17 March 2026

Mob: **s.22(1)(a)(ii)**

Through AS Legislation

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CC

Minister for Multicultural Affairs
Assistant Minister for Citizenship, Customs and Multicultural Affairs
Assistant Minister for Immigration
Secretary, Home Affairs
Commissioner, ABF
Head Immigration
DS Immigration Compliance
DS Legal
Deputy Commissioner, National Operations
FAS Office for Multicultural Affairs
FAS Skilled & Temporary Visa & Capability
FAS Migration, Citizenship and Humanitarian Policy
FAS Citizenship, Humanitarian, Family Visa Programs & Support
AC Customs, Compliance and Enforcement

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The Hon Tony Burke MP
 Minister for Home Affairs
 Minister for Immigration and Citizenship
 Minister for Cyber Security
 Minister for the Arts
 Leader of the House

Ref No: MS26-000682

The Hon Anthony Albanese MP
 Prime Minister
 Parliament House
 CANBERRA ACT 2600

Dear Prime Minister

I am seeking your written agreement to make an Arrival Control Determination under the new legislative framework in the *Migration Act 1958* to manage the arrival in Australia of a specified class or classes of non-citizens who hold temporary visas in response to the Iran conflict.

The conflict has increased the risk that certain non-citizens may, if they enter Australia, be unable or unwilling to depart when their visa ceases to be in effect. In some cases, it is likely that the visa would not have been granted had these circumstances existed at the time the application was assessed.

Section 84B of the Migration Act provides for the personal power of the Minister to make a Determination that would operate to temporarily suspend travel to Australia for specified classes of temporary visa holders, where satisfied that:

- an event or circumstance has occurred, or is occurring, outside Australia; and
- one or both of the following apply:
 - having regard to that event or circumstance, affected temporary visa holders may remain in Australia after their visa ceases to be in effect; or
 - the visa may not have been granted had the event or circumstance been occurring at the time of decision; and
- it is in the national interest to make the determination.

I consider that making a Determination is required as a temporary measure to protect the integrity and sustainability of the migration system, while providing Government time to reassess the evolving situation.

Parliament House Canberra ACT 2600 Telephone: (02) 6277 7860

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2

There is a large Iranian diaspora in Australia which will hold concerns for their families. The Act provides that a Determination **cannot** apply to any permanent visas, temporary visa holders who are in the migration zone when the Determination commences, temporary protection or humanitarian visa holders, or to the spouse, de facto partner or dependent child of an Australian citizen or permanent resident, or the parent of a child who is under 18 and who is in Australia.

I propose the Determination apply **only to Iranian nationals outside Australia who hold an Iranian passport and were granted a subclass 600 (Visitor) visa** in association with that passport (around 6,800 persons).

Non-citizens affected by the proposed Determination may also request a permitted travel certificate (PTC) to travel to Australia to be considered on a case-by-case basis. I will request my Department favourably consider PTC applications by parents of Australian citizens.

The proposed period of effect is **six months**. Should circumstances change and the Determination no longer be required, it may be revoked by legislative instrument. Should it continue to be required beyond six months, a new Determination will need to be made in line with statutory requirements.

Attached is a proposed Decision Statement setting out my reasons for making the Determination, and a copy of the proposed Determination.

In accordance with section 84B(3) of the Act, I seek your **written agreement** to make the proposed Determination. I am also seeking the written agreement of the Minister for Foreign Affairs before making the proposed Determination.

Yours sincerely



Tony Burke

20/3 / 2026

cc: Senator the Hon Penny Wong, Minister for Foreign Affairs

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The Hon Tony Burke MP
Minister for Home Affairs
Minister for Immigration and Citizenship
Minister for Cyber Security
Minister for the Arts
Leader of the House

Ref No: MS26-000682

Senator the Hon Penny Wong
Minister for Foreign Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister

I am seeking your written agreement to make an Arrival Control Determination under the new legislative framework in the *Migration Act 1958* to manage the arrival in Australia of a specified class or classes of non-citizens who hold temporary visas in response to the Iran conflict.

The conflict has increased the risk that certain non-citizens may, if they enter Australia, be unable or unwilling to depart when their visa ceases to be in effect. In some cases, it is likely that the visa would not have been granted had these circumstances existed at the time the application was assessed.

Section 84B of the Migration Act provides for the personal power of the Minister to make a Determination that would operate to temporarily suspend travel to Australia for specified classes of temporary visa holders, where satisfied that:

- an event or circumstance has occurred, or is occurring, outside Australia; and
- one or both of the following apply:
 - having regard to that event or circumstance, affected temporary visa holders may remain in Australia after their visa ceases to be in effect; or
 - the visa may not have been granted had the event or circumstance been occurring at the time of decision; and
- it is in the national interest to make the determination.

Parliament House Canberra ACT 2600 Telephone: (02) 6277 7860

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2

I consider that making a Determination is required as a temporary measure to protect the integrity and sustainability of the migration system, while providing Government time to reassess the evolving situation.

There is a large Iranian diaspora in Australia which will hold concerns for their families. The Act provides that a Determination **cannot** apply to any permanent visas, temporary visa holders who are in the migration zone when the Determination commences, temporary protection or humanitarian visa holders, or to the spouse, de facto partner or dependent child of an Australian citizen or permanent resident, or the parent of a child who is under 18 and who is in Australia.

I propose the Determination apply **only to Iranian nationals outside Australia who hold an Iranian passport and were granted a subclass 600 (Visitor) visa** in association with that passport (around 6,800 persons).

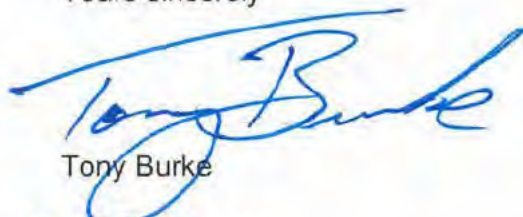
Non-citizens affected by the proposed Determination may also request a permitted travel certificate (PTC) to travel to Australia to be considered on a case-by-case basis. I will request my Department favourably consider PTC applications by parents of Australian citizens.

The proposed period of effect is **six months**. Should circumstances change and the Determination no longer be required, it may be revoked by legislative instrument. Should it continue to be required beyond six months, a new Determination will need to be made in line with statutory requirements.

Attached is a proposed Decision Statement setting out my reasons for making the Determination, and a copy of the proposed Determination.

In accordance with section 84B(3) of the Act, I seek your **written agreement** to make the proposed Determination. I am also seeking the written agreement of the Prime Minister before making the proposed Determination.

Yours sincerely



Tony Burke

20 / 3 / 2026

cc: The Hon Anthony Albanese MP, Prime Minister

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Australian Government
Department of Home Affairs

Submission

For decision
PDMS Ref. Number: MS26-000697
Date of Clearance: 24/03/2026

To Minister for Home Affairs, Minister for Immigration and Citizenship,
Minister for Cyber Security

Subject Proposed Migration (Arrival Control) Determination 2026

Timing *For consideration as soon as practicable to give effect to the proposed temporary suspension of Subclass 600 (Visitor) visas, and associated 'travel authority', for members of the specified class of Iranian passport holders outside Australia.*

Recommendations

That you:

1. **note**, for the purposes of s 84B(3) of the *Migration Act 1958* (the Act), that you have received written agreement to the making of the proposed *Migration (Arrival Control) Determination 2026* (**Attachment C**) from:

- a) the Prime Minister, the Hon Anthony Albanese MP (**Attachment A**); and
- b) the Minister for Foreign Affairs,
Senator the Hon Penny Wong (**Attachment B**); and

following consideration of this submission, and particularly the proposed Decision Statement (**Attachment C**):

2. **indicate whether you are reasonably satisfied**, for the purposes of s 84B(2) of the Act, of the following matters:

- a) that an event or circumstance has occurred, or is occurring, outside Australia;
- b) that 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; **and /or**
 - 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;
- c) having regard to the object of Subdivision AGA in Div 3 of Part 2 of the Act (set out in s 84A), it is in the national interest to make the determination; and

noted / please discuss

noted / please discuss

reasonably satisfied /
not reasonably satisfied

reasonably satisfied /
not reasonably satisfied

reasonably satisfied /
not reasonably satisfied

reasonably satisfied /
not reasonably satisfied

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- | | |
|---|---|
| 3. agree to specify six months as the period for the determination to be in force, considering that period to be appropriate in all the circumstances (in accordance with s 84B(5) of the Act); and | (agreed) / not agreed /
please discuss |
| 4. adopt , or indicate any changes to, the Decision Statement (Attachment C) as the material to support your consideration and decision in relation to the matters specified in s 84(2) of the Act; and | (adopt) / annotated /
please discuss |
| 5. initial each page (lower-right corner) and sign and date the Decision Statement (Attachment C); and | (initialled and signed) /
please discuss |
| 6. sign and date the proposed legislative instrument <i>Migration (Arrival Control) Determination 2026</i> (Attachment D); and | (signed) / please discuss |
| 7. approve the associated Explanatory Statement (Attachment E); and | (approved) / please discuss |
| 8. approve, sign and date the Statement (Attachment F) that is to be tabled under your authority in both Houses of Parliament in accordance with s 84F of the Act; | (approved and signed) /
please discuss |
| 9. sign and date the proposed <i>Migration (Permitted Travel Certificate) Delegation 2026</i> (Attachment G). | (signed) / please discuss |

Minister for Home Affairs, Minister for Immigration and
Citizenship, Minister for Cyber Security

Signature.....



Date:...../...../2026

25/3

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PROTECTED//Legal-Privilege**Minister's Comments****Key Issues**

1. On 20 March 2026, you agreed in **MS26-000682** to proceed with considering whether to make an arrival control determination under s 84B of the *Migration Act 1958* (the Act). The proposed *Migration (Arrival Control) Determination 2026*, if made, would specify that s 84E of the Act applies to the following class of non-citizens:

A non-citizen:

- (a) who at any time during the period the Determination is in force holds a Subclass 600 (Visitor) visa; and
- (b) who gave (or caused to be given) to the Minister or to the Department of Home Affairs (the Department), in relation to the application for that visa, the passport number of a passport that was:
 - i. issued to the non-citizen by the Islamic Republic of Iran; or
 - ii. issued to another person by the Islamic Republic of Iran and the non-citizen was included in the passport; and
- (c) for whose visa the Department has made a record that associates that passport number with the grant of that visa.

- 2.

s. 42(1), s. 47C(1)

- 3.

4. Following your decision in **MS26-000682**, you wrote to the Prime Minister, the Hon Anthony Albanese MP, and the Minister for Foreign Affairs, Senator the Hon Penny Wong, seeking their written agreement to the proposed *Migration (Arrival Control) Determination 2026*, providing them with a copy of the proposed Determination and the associated proposed Decision Statement. The Prime Minister and the Minister for Foreign Affairs gave their written agreement on 23 March 2026 to the making of the proposed Determination (**Attachment A** and **Attachment B** refer).

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10.

s.42(1), s.47C(1)

Other matters

Tabling requirements

11. If you make the proposed Determination, s 84F of the Act requires you to arrange for a copy of the Determination to be tabled in both Houses of the Parliament, together with a statement of your reasons for making the Determination. Subsection 84F(2) requires this to be done within 2 sitting days of each House after the day the Determination is made (however, s 84F(3) also provides that a failure to comply with the requirement does not affect the validity of the Determination).
12. The Department has prepared the Statement at **Attachment F** for your consideration and signature. If approved, the Department would make arrangements for the Statement to be tabled together with a copy of the Determination within the statutory timeframe. s. 42(1)

s. 42(1), s. 47E(d)

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Background

16. The *Migration Amendment (2026 Measures No. 1) Act 2026* (the Amendment Act) commenced on 14 March 2026, amending the Act to establish a new personal power of the Minister to make an arrival control determination (under new s 84B of the Act). The Amendment Act established a framework to allow temporary restrictions on the arrival of certain specified classes of temporary visa holders in Australia, where it is necessary to protect the integrity and sustainability of Australia's immigration system.
17. Section 84C provides for exceptions to the effect of an arrival control determination, for:
- a non-citizen who holds:
 - a protection visa that is a temporary visa
 - a temporary safe haven visa
 - visa classified by the regulations as a Temporary (Humanitarian Concern) (Class UO) visa
 - a bridging visa granted as a result of an application for a visa of a kind mentioned above
 - a non-citizen if the non-citizen is in the migration zone at the time the determination commences
 - a non-citizen who is:
 - the spouse, de facto partner or dependent child (within the meaning of the regulations) of:
 - an Australian citizen
 - the holder of a permanent visa that is in effect
 - 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
 - a non-citizen who is the parent of a child who is under 18 and who is in Australia
 - a non-citizen who is the subject of a permitted travel certificate that is in force

18. s. 42(1)



The Department is also developing content for its website and notices to be generated and sent to affected visa holders to provide information about the effect of the Determination, the "ACD check" process and related matters.

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Consultation – Internal/External

19. Skilled & Temporary Visa & Capability Division; Citizenship, Humanitarian, Family and Support Division; Temporary Visas Branch; Skilled and Temporary Visas Policy Branch; Legal Division; Immigration Integrity and Assurance; Immigration Systems and Business Capability; Reporting and Data; Service Delivery Operations; Specialist Identify Services; Australian Border Force.
20. The Head of Immigration was consulted on the approach in the submission.
21. The Department has consulted with the Department of Prime Minister and Cabinet and the Department of Foreign Affairs and Trade. s. 42(1)

22. s. 42(1)

Client Service Implications

23. If you make the proposed Determination, it will impact persons specified in the Determination, causing their Subclass 600 (Visitor) visas to go out of effect, and therefore also affecting their authority to travel to Australia (as they would not hold a visa that is in effect).
 - a. Impacted non-citizens are able to request a permitted travel certificate to allow them to travel to Australia, which will be considered on a case-by-case basis subject to their individual circumstances.
 - b. A dedicated online portal will be established for this purpose. Information will be available on the Department's website and via its Global Service Centre to assist clients with this process.
 - c. The Department is also preparing a pro forma permitted travel certificate to record decisions to issue a permitted travel certificate and to issue to the non-citizen who is the subject of the certificate, as well as other notices and communication materials.

Risks and Sensitivities

24. The *Migration Amendment (2026 Measure No. 1) Act 2026* and the arrival control determination powers have received a divisive reception following introduction to the Parliament, and have been the subject of significant stakeholder and community interest. s.47C(1)
25. s.47C(1)
26. The information contained in this submission is classified and should not be publicly released without the authority of the Department. In accordance with our long-standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Operations team – media@homeaffairs.gov.au.

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27. The Department has prepared a range of materials to support implementation of the proposed Determination, including talking points and updates on the Department's website.

Attachments

- Attachment A** Letter from the Prime Minister, the Hon Anthony Albanese MP, – written agreement to the proposed Determination
- Attachment B** Letter from Senator, the Hon Penny Wong, the Minister for Foreign Affairs – written agreement to the proposed Determination
- Attachment C** Minister's Decision Statement
- Attachment D** *Migration (Arrival Control) Determination 2026*
- Attachment E** Explanatory Statement – *Migration (Arrival Control) Determination 2026*
- Attachment F** Tabling Statement for s 84F of the *Migration Act 1958*
- Attachment G** *Migration (Permitted Travel Certificate) Delegation 2026*

Authorising Officer Cleared by: Michael Willard Deputy Secretary Immigration Program Group Date: 24 March 2026 Mob: s.22(1)(a)(ii)

Contact Officer Kevin Cunnington, Assistant Secretary, Legislation Branch, Ph: s.22(1)(a)(ii) / Mob: s.22(1)(a)(ii)

Through AS Citizenship and Humanitarian Policy Branch

CC Minister for Multicultural Affairs
Assistant Minister for Citizenship, Customs and Multicultural Affairs
Assistant Minister for Immigration
Secretary
ABF Commissioner
Head of Immigration
DS Immigration Compliance
DS Legal
Deputy Commissioner, National Operations
FAS Executive Coordination
FAS Office for Multicultural Affairs
FAS Migration, Citizenship and Humanitarian Policy
FAS Skilled & Temporary Visa & Capability
FAS Citizenship, Humanitarian, Family Visa Programs & Support
AC Customs, Compliance and Enforcement

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PRIME MINISTER
The Hon Anthony Albanese MP

Reference: MC26-034792

23 MAR 2026

The Hon Tony Burke MP
Minister for Home Affairs
Minister for Immigration and Citizenship
Minister for Cyber Security
Minister for the Arts
PO Box 6022
Parliament House
CANBERRA ACT 2600

Dear Minister

Tony,

Thank you for your letter dated 20 March 2026 regarding making an Arrival Control Determination (ACD) in response to the Iran conflict.

I agree your request to make an ACD under section 84B of the *Migration Act 1958* (Cth), to Iranian nationals outside Australia who hold an Iranian passport and were granted a subclass 600 (Visitor) visa in association with that passport.

I note that you are satisfied that the requirements under section 84B have been met, and that the ACD is required as a temporary measure to protect the integrity and sustainability of the migration system. I note the proposed period of effect is six months, and should further action be required, a new determination would then need to be made.

I note that you will request the Department of Home Affairs favourably consider permitted travel certificate applications by parents of Australian citizens.

I have copied this letter to Senator the Hon Penny Wong, Minister for Foreign Affairs.

Yours sincerely

Anthony Albanese

ANTHONY ALBANESE

Parliament House CANBERRA ACT 2600
Telephone (02) 6277 7700
www.pma.gov.au

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Senator the Hon Penny Wong
Minister for Foreign Affairs

PDR M526-000271

The Hon Tony Burke MP
Minister for Home Affairs
Minister for Immigration and Citizenship
PO Box 6022
Parliament House
CANBERRA ACT 2600

23 MAR 2026

Dear Minister

I refer to your letter of 20 March 2026 seeking my agreement, pursuant to subsection 84B(3) of the *Migration Act 1958* (the Act), to the making of an Arrival Control Determination (Determination) to manage the arrival into Australia of a specified class or classes of non-citizens who hold temporary visas, in response to the Middle East conflict.

I note that you are satisfied with the criteria for making the Determination, as set out in the Act, have been met. I have reviewed the reasoning in the Decision Statement attached to your letter.

I note your advice that the Determination will only apply to Iranian nationals outside Australia who hold an Iranian passport and were granted a subclass 600 (Visitor) visa in association with that passport. I also note that applications for permitted travel certificates by parents of Australian citizens will be favourably considered.

s. 33(a)(iii)

As required by subsection 84B(3) of the Act, I provide my written agreement to the making of the Determination.

I have copied this letter to the Hon Anthony Albanese MP, Prime Minister.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Penny Wong', written over a printed name.

PENNY WONG

Parliament House, Canberra ACT 2600

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LIN 26/040

Migration (Arrival Control) Determination 2026

I, Tony Burke, Minister for Home Affairs, make the following determination

Dated 25.3 2026

Tony Burke
Minister for Home Affairs

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1 Name

This instrument is the *Migration (Arrival Control) Determination 2026*.

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	The day after this instrument is registered.	

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

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

3 Authority

This instrument is made under subsection 84B(1) of the *Migration Act 1958*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) non-citizen;
- (b) passport.

In this instrument:

Act means the *Migration Act 1958*.

5 Period for which arrival control determination is in force

This instrument is in force for the period that:

- (a) begins immediately after the instrument commences; and
- (b) ends at the end of the period of 6 months beginning on the day after the instrument commences.

Note 1: Subsection 84B(5) of the Act provides that an arrival control determination must specify the period for which the determination is in force. This period must not be longer than the period that the Minister considers appropriate in all the circumstances.

Note 2: This instrument may be revoked earlier (see subsection 84B(4) of the Act).

6 Class of non-citizens to whom section 84E of the Act applies

- (1) Section 84E of the Act applies to the class of non-citizens that is specified in subsection (2).
- (2) The specified class of non-citizens is a non-citizen:
 - (a) who, at any time during the period for which this instrument is in force, holds a Subclass 600 (Visitor) visa; and
 - (b) who gave (or caused to be given) to the Minister or to the Department, in relation to the application for that visa, the passport number of a passport that was:
 - (i) issued to the non-citizen by the Islamic Republic of Iran; or
 - (ii) issued to another person by the Islamic Republic of Iran and the non-citizen was included in the passport; and
 - (c) for whose visa the Department has made a record that associates that passport number with the grant of that visa.

Example: An applicant for a Visitor (Class FA) visa provides details of their Iranian passport to the Department when completing the visa application form and lodging the visa application (either personally or via an agent). If the applicant is granted a Subclass 600 (Visitor) visa, the details of their Iranian passport, including the passport number, are recorded and associated with the visa grant record in relevant departmental systems.

EXPLANATORY STATEMENT

Issued by the Minister for Home Affairs

Migration (Arrival Control) Determination 2026

The legislative instrument *Migration (Arrival Control) Determination 2026* (LIN 26/040) is made under subsection 84B(1) of the *Migration Act 1958* (the Migration Act).

The *Migration Amendment (2026 Measures No. 1) Act 2026* (the Amendment Act) received the Royal Assent on 13 March 2026, and commenced on 14 March 2026. The Amendment Act inserted new Subdivision AGA (Arrival control determinations) in Division 3 of Part 2 of the Migration Act. Subdivision AGA establishes a legislative framework for the Minister, acting personally, to make an arrival control determination to effectively regulate the entry of members of certain specified classes of non-citizens who hold temporary visas during periods of international conflict or other events or circumstances occurring outside of Australia.

The object of Subdivision AGA is set out in section 84A of the Migration Act:

... 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.

Subsection 84B(1) of the Migration Act provides that 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.

Section 84E of the Migration Act provides that an arrival control determination temporarily ceases the effect of a temporary visa held by a non-citizen if an arrival control determination that is in force applies to the non-citizen, regardless of whether the visa was in effect at the time the determination was made. However, in accordance with subsection 84C(3) of the Migration Act, this provision does not apply to persons in the migration zone when the determination commences.

The arrival control determination in effect suspends the ability of an affected temporary visa holder, who has not been issued a permitted travel certificate, to travel to and enter Australia while the determination is in force. Under subsection 84E(2), if a temporary visa held by a non-citizen has ceased to be in effect under subsection 84E(1), the visa comes into effect again at a particular time during the visa period for the visa if, at that time:

- the arrival control determination is revoked or otherwise ceases to be in effect; or
- the non-citizen ceases to be in a class of non-citizens specified in the determination; or
- the non-citizen becomes a non-citizen to whom the determination does not apply.

The specified class of non-citizens

This legislative instrument is an arrival control determination that specifies, for the purposes of subsection 84B(1) of the Migration Act, a class of non-citizens to whom section 84E of the Act applies. The specified class of non-citizens is a non-citizen:

- a) who, at any time during the period for which the Determination is in force, holds a Subclass 600 (Visitor) visa; and
- b) who gave (or caused to be given) to the Minister or to the Department, in relation to the application for that visa, the passport number of a passport that was:
 - i. issued to the non-citizen by the Islamic Republic of Iran; or
 - ii. issued to another person by the Islamic Republic of Iran and the non-citizen was included in the passport; and
- c) for whose visa the Department has made a record that associates that passport number with the grant of that visa.

The effect of section 84E of the Migration Act on members of the specified class

The effect of being in the class specified in the instrument is that under section 84E of the Migration Act, a temporary visa held by a non-citizen in the class ceases to be in effect while the determination that is in force applies to the non-citizen. Therefore, no visa is in effect to enable the non-citizen to travel to and enter Australia during that period.

However, in accordance with subsection 84C(4) of the Migration Act the determination does not apply to a non-citizen who is:

- the spouse, de facto partner or dependent child of an Australian citizen or permanent resident; or
- the parent of a child who is under 18 and who is in Australia.

Subsection 84D(1) of the Migration Act provides that 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 to not apply to that non-citizen, whether or not this certificate is requested under subsection 84D(2). Under subsection 84D(5) of the Act, the Minister may (in writing) revoke a permitted travel certificate in relation to a non-citizen; however, subsection 84D(5) also provides that the Minister cannot revoke a certificate while the non-citizen is in the migration zone.

The period for which the determination is in force

In accordance with subsection 84B(5) of the Migration Act, in all of the circumstances, the Minister considered it was appropriate for the determination to be in force for a period of six months beginning immediately after the instrument commences.

The instrument commences on the day after it is registered on the Federal Register of Legislation. Further details of the instrument are set out in Attachment A.

Parliamentary scrutiny

Paragraph 84B(13)(a) of the Migration Act provides that section 42 (disallowance) of the *Legislation Act 2003* does not apply to an arrival control determination made under subsection 84B(1) of the Migration Act. A statement of compatibility with human rights is therefore not required.

It is appropriate and necessary for this instrument not to be subject to disallowance in order to provide immediate certainty in relation to the effect of the determination, and for the full period specified in the determination. This reflects the matters that are necessary to be weighed by the Minister before exercising the power to make a determination, and where the Minister must be satisfied that it is in the national interest to do so having regard to the objects of the legislation, as set out in section 84A of the Migration Act.

Appropriate accountability to the Parliament is provided under section 84F of the Migration Act, which requires that the Minister must table a copy of the determination and a statement of reasons before each House of the Parliament within two sitting days after the day on which the determination is made. The requirement in subsection 84B(3) of the Migration Act to obtain the written agreement of the Prime Minister and the Minister for Foreign Affairs before making the determination also ensures appropriate oversight.

Consultation

The Department of Home Affairs consulted the Department of the Prime Minister and Cabinet and the Department of Foreign Affairs and Trade in relation to the arrival control determination and related matters, to inform and support consideration of the scope of the specified class of non-citizens and the duration of the determination.

Statutory pre-conditions and requirements to make the determination

Subsection 84B(3) of the Migration Act provides that before making an arrival control determination, the Minister must obtain agreement in writing to the making of the determination from:

- the Prime Minister; and
- the Minister administering the *Diplomatic Privileges and Immunities Act 1967* (the Minister for Foreign Affairs).

In accordance with subsection 84B(3) of the Act, before making this instrument, the Minister obtained agreement in writing from the Prime Minister and the Minister for Foreign Affairs to the making of the determination.

Subsection 84B(2) of the Migration Act provides that before making an arrival control determination, the Minister must be reasonably satisfied of the matters set out in that subsection.

In particular, the Minister was reasonably satisfied the conflict involving Iran, Israel and the United States, which commenced on 28 February 2026, is 'an event or circumstance [that] has occurred, or is occurring, outside Australia' for the purposes of paragraph 84B(2)(a) of the Migration Act.

The Minister was also reasonably satisfied that the matters set out in subparagraphs 84B(2)(b)(i) and (ii) of the Migration Act 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.

The Minister was also reasonably satisfied, having regard to the object of the Subdivision AGA of Division 3 of Part 2 of the Migration Act (set out in section 84A), that it is in the national interest to make the determination (as set out in paragraph 84B(2)(c) of the Migration Act).

ATTACHMENT A

Details of the *Migration (Arrival Control) Determination 2026*

Section 1 – Name of instrument

This section provides that the title of the instrument is the *Migration (Arrival Control) Determination 2026*.

Section 2 – Commencement

This section provides the instrument commences on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the instrument is made under subsection 84B(1) of the *Migration Act 1958*.

Section 4 – Definition

This section sets out definitions for the purposes of the instrument. The note under the heading of section 4 draws the reader's attention to expressions that are defined in the Migration Act, including 'non-citizen' and 'passport'.

Section 5 – Period instrument is in force

This section specifies the period for which the determination is in force, which is the period:

- starting at the time the instrument commences; and
- ending at the end of the period of six months that begins on the day after the day the instrument commences.

Under subsection 84B(6) of the Act, an arrival control determination cannot be in force longer than the period of six months beginning on the day after the day the determination commences.

Note 1 under section 5 draws the reader's attention to subsection 84B(5) of the Migration Act. Subsection 84B(5) provides that an arrival control determination must specify the period for which the determination is in force. This period must not be longer than the period that the Minister considers appropriate in all the circumstances. The Minister has specified the period of six months, having considered that this period is appropriate, given the uncertain and evolving nature of the conflict.

Note 2 under section 5 draws the reader's attention to subsection 84B(4) of the Migration Act. Subsection 84B(4) provides a personal power of the Minister to revoke a determination made under subsection 84B(1) of the Act.

Section 6 – Class of non-citizens to whom section 84E of the Act applies

Subsection 6(1) provides that for the purposes of subsection 84B(1) of the Migration Act, the class of non-citizens to whom section 84E of the Migration Act applies is the class specified in subsection 6(2).

Under subsection 84B(1) of the Act, the Minister may, by legislative instrument, make 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. The class of non-citizens that is specified is a non-citizen covered by all of paragraphs 6(2)(a), (b) and (c).

Paragraph 6(2)(a) specifies a non-citizen who, at any time during the period the instrument is in force, holds a Subclass 600 (Visitor) visa.

If a non-citizen was granted a Subclass 600 (Visitor) visa before the determination commenced, and there is still a two-month period remaining in the visa period (that is, before the visa period expires) when the determination commences, the non-citizen is covered by paragraph 6(2)(a). Similarly, if a non-citizen holds a Subclass 600 (Visitor) visa that has a visa period that would end after the six-month period for which the determination is in force, that non-citizen would also be covered by paragraph 6(2)(a).

Paragraph 6(2)(b) specifies that the class of non-citizens is a non-citizen who, in relation to the application for the visa mentioned in paragraph 6(2)(a), gave the Minister or the Department a passport number of a passport that was either:

- issued to the non-citizen by the Islamic Republic of Iran; or
- issued to another person by the Islamic Republic of Iran and the non-citizen was included in the passport.

Paragraph 6(2)(b) covers both circumstances where the non-citizen who holds a Subclass 600 (Visitor) visa gave the passport number to the Minister or the Department themselves, as well as circumstances where another party, acting for the non-citizen, gave the passport number to the Minister or the Department (for example, a migration agent).

For paragraph 6(2)(b), the passport may be one that was issued by the Islamic Republic of Iran to the non-citizen, or one that was issued to another person, where the non-citizen is *included* in that person's passport. This covers circumstances in which, for example, a child is included in their parent's passport rather than holding an individual passport.

Paragraph 6(2)(c) specifies that the class of non-citizens is a non-citizen for whose visa the Department has made a record that associates the passport number from the passport mentioned in paragraph 6(2)(b) with the grant of the visa mentioned in paragraph 6(2)(a) (that is, the Subclass 600 (Visitor) visa held by the non-citizen).

The passport number provided in relation to the visa application, and subsequently associated with the visa grant in departmental systems, in effect anchors the visa as having been granted to a non-citizen who held an Iranian passport (and who gave details of that passport to the Department for visa purposes, including to travel to Australia). It is not relevant whether the non-citizen provided details of a different passport (including a passport issued by a different country) at any other time, or has subsequently provided details of a new Iranian passport (for example, where the passport the non-citizen held at the time of visa grant has subsequently expired and been replaced).

The note at the end of section 6 sets out an example in which an applicant for a Visitor (Class FA) visa provides details of their Iranian passport to the Department when completing

the visa application form and lodging the visa application (either personally or via an agent). If the applicant was granted a Subclass 600 (Visitor) visa, the details of their Iranian passport, including the passport number, are recorded and associated with the visa grant record in relevant departmental systems.

The Minister may issue a permitted travel certificate under section 84D of the Migration Act to a non-citizen to whom the arrival control determination applies. The certificate may provide that the arrival control determination does not apply in relation to the non-citizen if the Minister is satisfied in all the circumstances that it is appropriate for the determination to not apply to that non-citizen, whether or not the certificate is requested under subsection 84D(2) of the Migration Act. The Minister's power to issue a permitted travel certificate is delegable, under subsection 496(1) of the Migration Act. Any exercise of the power by a delegate of the Minister would be supported and informed by departmental policies and procedures, including in relation to circumstances in which it would generally be appropriate to issue a certificate.

STATEMENT TO PARLIAMENT UNDER SECTION 84F OF THE *MIGRATION ACT 1958*
EXERCISE OF THE MINISTER'S POWER UNDER SUBSECTION 84B(1) OF
THE *MIGRATION ACT 1958*

On 25 March 2026, exercising the power under subsection 84B(1) of the *Migration Act 1958* (the Act), I made the *Migration (Arrival Control) Determination 2026*.

The Determination specifies that section 84E of the Act applies to the following class of non-citizens—a non-citizen:

- a) who, at any time during the period the Determination is in force, holds a Subclass 600 (Visitor) visa; and
- b) who gave (or caused to be given) to the Minister or to the Department, in relation to the application for that visa, the passport number of a passport that was:
 - i. issued to the non-citizen by the Islamic Republic of Iran; or
 - ii. issued to another person by the Islamic Republic of Iran and the non-citizen was included in the passport; and
- c) for whose visa the Department has made a record that associates that passport number with the grant of that visa;

(the **Specified Class**).

In making the Determination, I was reasonably satisfied on the information provided to me that:

- the conflict involving Iran, Israel and the United States, which commenced on 28 February 2026 and was continuing, was an 'event or circumstance';
- having regard to the event or circumstance, the Specified Class, if they were to enter Australia on a temporary visa, may remain in Australia after the visa ceases to be in effect;
- persons in the Specified Class may not have been granted the temporary visa had the event or circumstance occurred, or been occurring at the time an application for the temporary visa, as made;
- having regard to the object of Subdivision AGA in Division 3 of Part 2 of the Act, including the need to maintain the integrity and sustainability of Australia's immigration system, it is in the national interest to make the determination.

In all of the circumstances, I considered it was appropriate for the Determination to be in force for a period of 6 months beginning immediately after the instrument commences.


The Hon Tony Burke MP
Minister for Home Affairs

Date: 25 / 3 / 2026



ADMIN 26/071

Migration (Permitted Travel Certificate) Delegation 2026

I, Tony Burke, Minister for Home Affairs, make the following instrument.

Dated 25.3 2026



Tony Burke
Minister for Home Affairs

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1 Name

This instrument is the *Migration (Permitted Travel Certificate) Delegation 2026*.

2 Commencement

This instrument commences on the day after the instrument is signed.

3 Authority

This instrument is made under subsection 496(1) of the *Migration Act 1958*.

4 Definitions

(1) In this instrument:

Australian Border Force has the same meaning as in the *Australian Border Force Act 2015*.

Immigration Group means the part of the Department of Home Affairs known as the Immigration Group, as constituted by:

- (a) the Immigration Programs Group;
- (b) the Immigration Compliance Group; and
- (c) any subordinate organisational units designated to be part of any one or more of those Groups (including the Immigration Group) in the Department's organisational structure.

Migration Act means the *Migration Act 1958*.

(2) In this instrument, a term mentioned in column 1 of an item in the following table refers to the approved classification under the *Public Service Classification Rules 2000* mentioned in column 2 of that table item.

Item	Column 1 Term	Column 2 Approved classification
1	APS3	APS Level 3
2	APS4	APS Level 4
3	APS5	APS Level 5
4	APS6	APS Level 6
5	EL1	Executive Level 1
6	EL2	Executive Level 2
7	SES1	Senior Executive Band 1
8	SES2	Senior Executive Band 2
9	SES3	Senior Executive Band 3

5 Delegations

Under subsection 496(1) of the Migration Act, the power under a provision of that Act that is specified in column 1 of an item in the following table is delegated to a person who from time to time holds, occupies or performs the duties of a position that is:

- (a) in the Immigration Group or the Australian Border Force; and
- (b) at an approved classification mentioned in column 3 of that item.

Permitted travel certificates—delegates of the Minister			
Item	Column 1 Provision of the Act	Column 2 Brief description (for information only)	Column 3 Approved classifications
1	84D(1)	The Minister may issue a permitted travel certificate	APS3, APS4, APS5, APS6, EL1, EL2, SES1, SES2, SES3
2	84D(5)	The Minister may revoke a permitted travel certificate	APS3, APS4, APS5, APS6, EL1, EL2, SES1, SES2, SES3
Note 1: Subsection 84D(7) of the Migration Act provides that the rules of natural justice do not apply to an exercise of power under subsection 84D(1) or (5) of the Act. Note 2: Subsection 84D(8) of the Migration Act provides that 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 84D(2) or in any other circumstances.			



Freedom of Information Access Request - FA 26/04/00039

Visitor visas held by Iranian nationals at 25 March 2026.

Visitor (subclass 600) visas held by Iranian nationals as at 25 March 2026		
Total	Onshore	Offshore
9,580	2,908	6,672

Pending visitor visa applications by Iranian nationals As at 25 March 2026.

Visitor (subclass 600) visa applications on-hand that were lodged by Iranian nationals as at 25 March 2026		
Total	Onshore	Offshore
1,489	484	1,005

Visa overstay by citizenship for each of the three financial years ending 30 June 2023, 30 June 2024, and 30 June 2025.

Table 1

Estimated number of UNCs by top 10 citizenship, as at 30 June 2023	
Citizenship	UNC
People's Republic of China	10,300
Malaysia	6,500
United States of America	5,800
United Kingdom	3,700
India	3,100
Republic of Korea	2,600
Thailand	2,600
Vietnam	2,500
Tonga	2,300
Philippines	2,100

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All other countries	28,200
Total	69,900

Table 2

Estimated number of UNCs by top 10 citizenship, as at 30 June 2024	
Citizenship	UNC
People's Republic of China	10,900
Malaysia	7,100
United States of America	5,700
United Kingdom	4,000
India	3,300
Tonga	3,000
Vietnam	2,800
Republic of Korea	2,600
Thailand	2,500
Indonesia	1,900
All other countries	31,800
Total	75,400

Table 3

Estimated number of UNCs by top 10 citizenship, as at 30 June 2025	
Citizenship	UNC
People's Republic of China	12,100
Malaysia	8,100
United States of America	5,500
India	3,900
Vietnam	3,600
Tonga	3,300
Thailand	3,200
United Kingdom	2,800
Republic of Korea	2,600

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Philippines	2,500
All other countries	30,000
Total	77,700

Table 4

Estimated number of UNCs by top 10 citizenship, as at 30 June 2025			
Visa category	30 June 2023	30 June 2024	30 June 2025
Bridging	800	27,800	33,200
Visitor	40,000	30,300	25,800
Student ¹	12,300	7,100	8,200
Temporary Resident	4,300	3,600	3,700
Working Holiday	1,700	1,200	1,000
Migrant	800	100	300
All other visas	9,600	5,600	5,300
Total	69,900	75,400	77,700

1. Includes Student Guardian visas (Subclass 580 and 590).

Notes:

- Source: Department of Home Affairs (internal documents)

Caveats:

- The UNC estimate includes anyone who has overstayed their visa or had their visa cancelled before the reference date and has yet to have their immigration status resolved on that date.
- UNC Estimates are rounded to the nearest 100 and therefore the sum of individual items in a table may not exactly match the total.
- This information is provided for the specific purpose of this request. Any other use of the information provided will require consideration and clearance by Data & Artificial Intelligence Division and a separate request should be made to S. 11C(1)(b) [@homeaffairs.gov.au](mailto:info@homeaffairs.gov.au)
- It is the responsibility of the area providing the Department of Home Affairs information to external stakeholders to ensure that the disclosure is in accordance with the ABF Act, Australian Privacy Principles or other relevant legislation.
- Current program year figures are subject to variation. The data is sourced from our global Departmental systems. There can be delays in transmission of information, therefore data for current program year should always be considered provisional.

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