Australia Bans Iranian Visitor Visa Holders: What the New Arrival Control Determination Means for You

Author: Nilesh Nandan, BBus(Accy) LLB MBA | Head of Practice, MyVisa Lawyers Pty Ltd

Published: 26 March 2026

Series: MyVisa Visa News

Category: Legislation

Online version: https://myvisa.com.au/visa-news/australia-bans-iranian-visitor-visa-holders-arrival-control-determination-2026

On 26 March 2026, the Australian Government activated its first-ever Arrival Control Determination under the newly enacted *Migration Amendment (2026 Measures No. 1) Act 2026*, effectively barring most Iranian nationals holding Visitor (Subclass 600) visas from entering Australia for six months. I want to explain exactly what this means for you, because the legislation is new, the powers are significant, and there is a great deal of confusion in the community about who is affected and what options remain.

The determination applies to Iranian passport holders who were outside Australia on the date it commenced and whose Visitor visas are now temporarily suspended — not cancelled, but ceased to be in effect — under the new provisions inserted into the *Migration Act 1958*. Approximately 7,200 Iranian temporary visa holders had not yet arrived in Australia when the restrictions took effect. If you are one of them, or if you have a family member in this situation, read on carefully.

The Legislation: A Power With Only One Partial Precedent

The legal foundation for this ban is Subdivision AGA of Division 3 of Part 2 of the *Migration Act 1958*, inserted by Schedule 1 of the *Migration Amendment (2026 Measures No. 1) Act 2026*. This legislation passed both houses of Parliament in early March 2026 with the support of the Coalition, despite opposition from the Greens and crossbench senators.

The new provisions grant the Minister for Home Affairs the power to make an "arrival control determination" — a legislative instrument that specifies one or more classes of temporary visa holders whose visas will temporarily cease to be in effect. Under section 84B, the Minister must be "reasonably satisfied" of three conditions before making such a determination:

First, that an event or circumstance has occurred, or is occurring, outside Australia. Second, that non-citizens in the specified class may remain in Australia after their visa expires, or that the visa may not have been granted if the event had occurred at the time of application. Third, that the determination is in the national interest.

The determination requires the written agreement of both the Prime Minister and the Foreign Minister. The Minister must exercise this power personally; it cannot be delegated. Critically, the rules of natural justice do not apply to the making of the determination, and it cannot be disallowed under the *Legislation Act 2003*. The Minister must, however, table a copy of the determination and a statement of reasons in Parliament within two sitting days.

In my 27 years practising immigration law, the only partial precedent for a power of this kind was the COVID-19 India travel ban of May 2021, which I discuss in detail below. The exclusion of natural justice and the absence of merits review make the Arrival Control Determination one of the most far-reaching executive powers in the Migration Act — and unlike the COVID emergency measure, this one is permanent.

Home Affairs Minister Tony Burke stated that the determination was necessary because "there are many visitor visas which were issued before the conflict in Iran which may not have been issued if they were applied for now." He further noted that "decisions about permanent stays in Australia should be deliberate decisions of the government, not a random consequence of who had booked a holiday."

Who Is Affected

The determination applies to most Iranian passport holders who hold a Visitor (Subclass 600) visa and who were outside Australia on 26 March 2026. According to the Department of Home Affairs, if departmental records indicate that you provided a passport issued by the Islamic Republic of Iran when you applied for your Visitor visa, your visa has temporarily ceased to be in effect.

This means affected visa holders cannot travel to Australia while the determination is in force — a period of six months from 26 March 2026 — unless they are granted a Permitted Travel Certificate.

It is important to understand that the visa is suspended, not cancelled. Under section 84E of the Act, if the determination is revoked or expires and the visa period has not yet ended, the visa comes back into effect automatically. However — and this is a point I want to emphasise — if your visa expires during the six-month period, you will need to apply for a new visa. The clock does not stop.

According to evidence given at Senate Estimates by the Department's immigration head, Clare Sharp, approximately 7,200 Iranians held temporary visas for Australia but had not yet arrived at the time the legislation was being debated. A further 6,800 Iranians were reported to be already in Australia on temporary visas. Those already in Australia are not affected by the determination.

Who Is Exempt

Section 84C of the Act sets out several categories of non-citizens to whom the determination does not apply. The Department of Home Affairs has confirmed the following exemptions on its official Arrival Control Determination page:

Exemption Category	Description
Spouse, de facto partner, or dependent child	Of an Australian citizen, permanent visa holder, or a person usually resident in Australia not subject to a time limitation (such as a New Zealand citizen)
Parent of a child under 18 in Australia	The child must be in Australia at the time
Already in Australia	Non-citizens who were in the migration zone when the determination commenced on 26 March 2026
Permitted Travel Certificate holder	Non-citizens issued a PTC by the Minister (see below)
Protection visa holders	Holders of temporary protection visas, temporary safe haven visas, or Humanitarian Concern (Class UO) visas
Bridging visa holders	Bridging visas granted as a result of applications for the above protection-related visas

Exempt individuals may continue to travel to Australia if they hold a valid visa, but they must provide evidence that the restrictions do not apply to them **before** they travel. I would strongly advise anyone who believes they fall within an exemption category to gather their evidence now and not assume the exemption will be applied automatically at the airport.

Permitted Travel Certificates: A Narrow Exception

For those caught by the determination who do not fall within the automatic exemptions, the only avenue is to apply for a Permitted Travel Certificate (PTC) under section 84D of the Act.

The Department has stated that PTCs will be issued only in "very limited circumstances," which may include individuals who are the parent of an Australian citizen, or who can demonstrate they genuinely intend to stay in Australia temporarily. The Minister has indicated that "particular care will be taken in cases involving the parents of Australian citizens."

Applications must be made through the Department's secure online Arrival Control Determination Portal and should be lodged at least two weeks before the intended travel date. Applicants must provide personal details, a proposed residential address in Australia, a short explanation of why they are making the request, and suitable evidence in English or translated into English.

There is an important safeguard in the legislation: under section 84D(5), a Permitted Travel Certificate may not be revoked while the non-citizen is in the migration zone. This means that once a PTC holder enters Australia, their certificate cannot be withdrawn while they remain in the country.

However — and this is where I have serious concerns — the Minister has no duty to consider whether to exercise the power to issue a PTC, whether requested to do so or otherwise. The rules of natural justice do not apply to the exercise of this power. This means there is no right to a hearing, no obligation for the Minister to give reasons for refusal, and no merits review of a decision to refuse a PTC. In practical terms, if your PTC application is refused, there is very little you can do to challenge that decision.

This makes the quality of your initial application critical. You may only get one chance to make your case.

The Broader Context: Iran, the Conflict, and Australia's Response

The determination comes approximately four weeks after the United States and Israel launched military operations against Iran in late February 2026. The conflict has raised concerns within the Australian Government that Iranian nationals on temporary visas may be unable to return home when their visas expire, or may seek to remain in Australia by lodging protection visa applications.

The Government has characterised the measure as protecting the "integrity and sustainability of Australia's migration system" and allowing time to "assess risks before travel happens." Minister Burke has stated that the Government is "closely monitoring global developments and will adjust settings as required to ensure Australia's migration system remains orderly, fair and sustainable."

The legislation was developed, according to the Government, "in consultation with the Iranian diaspora." However, this characterisation has been disputed by community groups and advocacy organisations.

The COVID-19 Precedent: Was a Similar Power Exercised Before?

Some readers will recall that during the COVID-19 pandemic, the Australian Government imposed a travel ban on passengers arriving from India in May 2021. That measure — the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements — High Risk Country Travel Pause) Determination 2021* — is the closest precedent to the Arrival Control Determination, and it is worth examining the similarities and differences carefully, because they reveal why the 2026 power is, in important respects, more concerning than what came before.

The India travel ban was made by the Health Minister under section 477 of the *Biosecurity Act 2015*, which grants sweeping emergency powers during a declared human biosecurity emergency. It prohibited any air passenger who had been in India within the preceding 14 days from entering Australian territory, regardless of whether they were an Australian citizen, a permanent resident, or a temporary visa holder. Contravention was a criminal offence carrying a maximum penalty of five years' imprisonment and a fine of $66,600. There were no discretionary exemptions — no equivalent of the Permitted Travel Certificate. The ban lasted 12 days, from 3 May to 15 May 2021, and was not disallowable by Parliament.

The measure was extraordinary, and the backlash was fierce. The UN High Commissioner for Human Rights raised "serious concerns" about Australia's compliance with Article 12 of the *International Covenant on Civil and Political Rights*, which provides that no one shall be arbitrarily deprived of the right to enter their own country. A legal challenge was brought in *Newman v Minister for Health and Aged Care*. Legal commentators questioned both the statutory and constitutional validity of the determination. Australia was widely reported to be the only country in the world that had criminalised its own citizens for returning from a specific country during the pandemic.

The following table sets out the key differences between the two measures:

Feature	COVID-19 India Ban (2021)	Arrival Control Determination (2026)
Legal basis	Biosecurity Act 2015 (emergency power)	Migration Act 1958 (permanent amendment)
Applied to Australian citizens?	Yes — all air passengers	No — temporary visa holders only
Criminal penalties for breach?	Yes — 5 years imprisonment / $66,600 fine	No — visa simply ceases to be in effect
Discretionary exemptions?	None	Yes — Permitted Travel Certificates
Parliamentary oversight	Not disallowable	Must be tabled; subject to disallowance
Duration	12 days (automatically repealed)	Up to 6 months (renewable)
Trigger threshold	Declared biosecurity emergency	"National interest" — no emergency required
Permanence of the power	Temporary emergency measure	Permanent addition to the Migration Act
Requires PM agreement?	No (Health Minister alone)	Yes (PM + Foreign Affairs Minister)

In some respects, the COVID-19 India ban was more extreme: it applied to Australian citizens, it carried criminal penalties, and it offered no discretionary exemptions whatsoever. The Arrival Control Determination, by contrast, does not apply to citizens, does not criminalise affected visa holders, and does provide a mechanism — however narrow — for individual exemptions through the Permitted Travel Certificate process.

However, in other respects the Arrival Control Determination is more concerning. The COVID-19 ban required a declared human biosecurity emergency — an exceptional threshold that reflects the gravity of a global pandemic. The ACD requires only that the Minister be "reasonably satisfied" that an event has occurred outside Australia and that the determination is in the "national interest" — a far lower and more subjective threshold. The COVID ban lasted 12 days; the ACD can last six months and there is no explicit prohibition on the Minister making a new determination when the current one

expires. Most significantly, the COVID ban was a one-off emergency measure made under temporary emergency legislation. The ACD is a permanent addition to the Migration Act, creating an ongoing framework that can be activated against any nationality, for any class of temporary visa, at any time.

The COVID-19 India ban was widely criticised as an overreach of executive power during an unprecedented global health emergency. The Arrival Control Determination normalises a similar power — targeting people by nationality and suspending their visas without individual assessment — as a routine feature of Australia's migration system. That is the fundamental difference, and it is the reason I believe this power warrants close scrutiny regardless of one's views on the current application to Iranian nationals.

Community and Political Reaction

The determination has drawn sharp criticism from several quarters. The Asylum Seeker Resource Centre's Chief Executive, Kon Karapanagiotidis, questioned the logic of blocking people who already hold valid visas from a country experiencing active conflict: "If people already have a visa to travel to Australia, and this kind of violence has broken out in their home country — why would we not want to help them?"

Mr Karapanagiotidis also highlighted what he described as an inconsistency in the Government's approach, noting that on the same day the legislation was being debated, the Government had acted to offer asylum to members of the Iranian women's national football team: "On the very same day that the Government has acted so swiftly and compassionately to protect members of the Iranian women's soccer team, they want to slam the door on family members of Australian citizens."

Greens Senator David Shoebridge, the party's immigration spokesperson, was particularly forceful in his criticism: "Today, we see with 100 per cent clarity what the Albanese government thinks of the safety of the Iranian people as they shut the door on protection for people with a visa to come here." Senator Shoebridge described the Islamic Revolutionary Guard Corps as "a listed terrorist organisation in Australia" and questioned the Government's broader approach to the Iranian community.

The Australian Iranian Community Alliance vice-president, Suren Edgar, expressed concern that the determination stood in contrast to the Government's treatment of

Ukrainians when Russia invaded Ukraine, noting that Ukrainians were given “the option to come to Australia, even offering different types of visas.”

What You Should Do If You Are Affected

If you are an Iranian national holding a Visitor (Subclass 600) visa and you were outside Australia on 26 March 2026, here is what I recommend:

Check your visa status immediately. Use the Department’s Visa Entitlement Verification Online (VEVO) system to confirm whether your visa has been affected by the determination. Do not assume — check.

Determine whether an exemption applies to you. If you are the spouse, de facto partner, or dependent child of an Australian citizen or permanent resident, or the parent of a child under 18 in Australia, the determination may not apply to you. You will need to provide evidence of this before travelling. I can help you prepare this evidence.

Apply for a Permitted Travel Certificate if necessary. If no exemption applies but you have a genuine need to travel to Australia, lodge an application through the Arrival Control Determination Portal at least two weeks before your intended travel date. As I noted above, the quality of your initial application is critical because there is no merits review if you are refused. I strongly recommend seeking professional help with this application.

Do not make travel plans until you have confirmation. The Department has been clear that you should not make travel arrangements unless you receive written confirmation that a PTC has been issued or that the determination does not apply to you.

Seek legal advice now, not later. The interaction between the arrival control determination, existing visa conditions, and individual circumstances can be complex. If you are unsure of your position, or if you believe you have grounds for a PTC, do not wait. Time limits matter in immigration law, and your visa may be expiring while you wait.

Refunds

The Department has stated that no refunds will be given for Visitor visas affected by the travel restrictions unless the visa holder meets one of the relevant criteria listed on the Department's refund page. This is a significant concern for individuals who paid visa application charges for visas they are now unable to use.

Looking Ahead

The determination is in force for six months from 26 March 2026. Under section 84B of the Act, it cannot exceed six months, though there is no explicit prohibition on the Minister making a new determination when the current one expires. The Minister must report to Parliament every six months on the number of Permitted Travel Certificates issued.

The legislation also applies to visas granted before, on, or after the commencement of the determination, meaning that even visas granted years ago are caught if the holder is outside Australia and meets the specified criteria.

Whether this power will be extended to other nationalities or visa subclasses in the future remains to be seen. The legislation is drafted broadly — it is not limited to Iranian nationals or Visitor visas. Any class of temporary visa holder from any country could theoretically be subject to an arrival control determination, provided the Minister is satisfied that the three conditions in section 84B are met. That should concern everyone who works in immigration, not just the Iranian community.

How I Can Help

If you or someone you know has been affected by the Arrival Control Determination, I can help with:

- Assessing whether an exemption applies to your circumstances
- Preparing and lodging a Permitted Travel Certificate application with comprehensive supporting evidence

- Advising on alternative visa pathways if your Visitor visa expires during the six-month period
- Representing you in any related immigration matters

Even in the most difficult circumstances, my goal is to help you achieve the best possible immigration outcome. If I cannot solve the problem entirely, I will make sure you understand your options and that every available avenue has been explored.

Book a consultation today from $97. I will give you an honest assessment of your situation and your options.

About the Author

Nilesh Nandan is the Head of Practice at MyVisa Lawyers Pty Ltd, a specialist immigration law firm with offices across Australia. With 33 years of legal experience and 27 years specialising in immigration law, Nilesh is admitted as a solicitor in New South Wales and holds a practising certificate issued by the Law Society of New South Wales under the Legal Profession Uniform Law (NSW).

Contact: 1300 558 472 | enquiry@myvisa.com.au | https://myvisa.com.au

---

Disclaimer

This article is published by MyVisa Lawyers Pty Ltd (ABN 54 607 960 547) for general informational purposes only. It does not constitute legal advice, migration advice, or a substitute for professional consultation. Immigration law is complex and subject to frequent change. The information in this article was accurate at the time of publication but may not reflect current law or policy. You should not act or refrain from acting on the basis of this article without first obtaining professional advice specific to your circumstances. No solicitor-client relationship is created by reading this article. MyVisa Lawyers Pty Ltd accepts no liability for any loss arising from reliance on the contents of this article.

Copyright 2026 MyVisa Lawyers Pty Ltd. All rights reserved.