

Migration Amendment Act 2026: New Arrival Control Powers Explained

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

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What Happened

On 12 March 2026, the Australian Parliament passed the Migration Amendment (2026 Measures No. 1) Act 2026. It received Royal Assent on 13 March and commenced on 14 March 2026. This is one of the most significant changes to Australian immigration law in recent years.

The Act introduces a new power under Section 84B of the Migration Act 1958, allowing the Minister for Immigration to issue an **Arrival Control Determination** that temporarily prevents certain offshore temporary visa holders from travelling to Australia — even if they already hold a valid visa.

Who Is Affected

The power applies to holders of **offshore temporary visas**, including:

- **Student visas** (subclass 500)
- **Visitor visas** (subclass 600)

- **Temporary work visas** (Skills in Demand (SID) visa and subclass 485)
- **Working holiday visas** (subclasses 417 and 462)
- **Graduate visas** (subclass 485)

Importantly, the power does **not** cancel your visa. It temporarily suspends your right to travel to Australia during the determination period. Once the determination is lifted, your visa remains valid and you can travel as normal.

When Can It Be Used

The Minister can only issue an Arrival Control Determination during periods of **international risk or disruption**. The determination requires sign-off from both the **Prime Minister** and the **Foreign Affairs Minister**, which provides an important safeguard against arbitrary use.

The Government has indicated this power is designed for crisis situations — such as pandemics, regional conflicts, or mass displacement events — not for routine immigration management.

What You Should Do

If you hold an offshore temporary visa and are planning to travel to Australia, I recommend the following:

1. **Check the Department of Home Affairs website** before booking flights for any active Arrival Control Determinations.
2. **Do not panic.** This power is designed for extraordinary circumstances, not everyday visa processing.
3. **Keep your visa conditions current.** The determination does not affect your visa status — only your ability to travel during the determination period.
4. **Seek legal advice** if you believe an Arrival Control Determination is affecting your specific circumstances.

My View

While I understand the Government's need for emergency powers, I have concerns about the breadth of this legislation. The power to prevent someone from travelling on a valid visa is significant, and the safeguards — while present — rely heavily on ministerial discretion. I will be watching closely to see how this power is used in practice.

If you are affected by an Arrival Control Determination, or if you are concerned about how this legislation may impact your visa, please do not hesitate to contact my office for advice.

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>

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