

CHAPTER 14
TEMPORARY ENTRY OF BUSINESS PERSONS

Article 1
Objectives

The objectives of this Chapter are to:

- (a) facilitate the movement of business persons engaged in the conduct of trade and investment between the Parties; and
- (b) establish streamlined and transparent procedures for applications made by business persons of the other Party,

while recognising the need of a Party to ensure its security and to protect its domestic labour force and employment.

Article 2
Scope

1. This Chapter shall apply to measures affecting the temporary entry and stay of business persons of one Party into the other Party, where such persons include:
 - (a) business visitors;
 - (b) intra-corporate transferees;
 - (c) installers or servicers; and

(d) independent professionals.

2. This Chapter shall not apply to measures affecting natural persons of a Party seeking access to the employment market of the other Party, nor shall it apply to measures regarding residence, or employment on a permanent basis.
3. Nothing in this Chapter, Chapter 13 (Cross-Border Trade in Services), Chapter 12 (Investment) or Chapter 2 (Trade in Goods) shall prevent a Party from applying measures to regulate the entry or temporary stay of business persons of the other Party including those measures necessary to protect its integrity, and to ensure the orderly movement of business persons into its jurisdiction, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under this Chapter. The sole fact of a Party requiring an immigration formality in respect of business persons of the other Party and not those of non-Parties shall not be regarded as nullifying or impairing benefits accruing to the other Party under this Chapter.

Article 3

Definitions

For the purposes of this Chapter:

business person means a natural person of a Party who is engaged in trade in goods, the supply of services, or the conduct of investment;

business visitor means a natural person of a Party who is seeking temporary entry to another Party for business purposes, including for investment purposes, whose remuneration and financial support for the duration of the visit is derived from sources outside the granting Party, and who is not engaged in making direct sales to the general public or in supplying goods or services themselves;

immigration formality means a visa, permit, pass or other document or electronic authority granting a natural person of a Party permission to enter, stay or work or establish commercial presence in the granting Party;

independent professional has the meaning set out in each Party's Schedule of commitments in Annex 6 (Schedules of Commitments on Temporary Entry of Business Persons) in respect of that Party's commitments under this Chapter;

installer or servicer means a natural person of a Party who is an installer or servicer of machinery and/or equipment, where such installation and/or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract;

intra-corporate transferee has the meaning set out in each Party's Schedule of commitments in Annex 6 in respect of that Party's commitments under this Chapter; and

temporary entry means entry by a business person covered by this Chapter, without the intent to establish permanent residence.

Article 4
Expeditious Application Procedures

1. Where an application for an immigration formality is required by a Party, the Party shall expeditiously process completed applications for immigration formalities or extensions thereof, received from business persons of the other Party covered by Article 2 (Scope).
2. A Party shall, within 15 working days of receipt of an application for temporary entry that has been completed and submitted in accordance with its domestic law, either:
 - (a) make a decision on the application and inform the applicant of the decision including, if approved, the period of stay and other conditions; or
 - (b) if a decision cannot be made in that time period, inform the applicant when a decision will be made.
3. At the request of an applicant, a Party in receipt of a completed application for temporary entry shall provide, without undue delay, information concerning the status of the application.

Article 5
Grant of Temporary Entry

1. The Parties shall make commitments in respect of the temporary entry of business persons covered by Article 2 (Scope). Each Party shall set out in Annex 6 a Schedule containing such commitments. These Schedules shall specify the conditions and limitations for entry and

temporary stay, including the requirements and length of stay, for each category of business persons included in each Party's Schedule of commitments.

2. Where a Party makes a commitment under paragraph 1, that Party shall grant temporary entry or extension of temporary stay to the extent provided for in that commitment, provided that those business persons:

- (a) follow prescribed application procedures for the immigration formality sought; and

- (b) meet all relevant eligibility requirements for entry to the relevant Party.

3. Temporary entry granted to a business person pursuant to this Chapter does not exempt that person from the requirements needed to carry out a profession or activity according to the domestic law, and any applicable mandatory codes of practice made pursuant to the domestic law, in force in the Party authorising the temporary entry.

4. Any fees imposed in respect of the processing of an immigration formality shall be reasonable and based on the approximate cost of services rendered.

5. Neither Party may, except as provided for in its Schedule of commitments set out in Annex 6, impose or maintain any numerical restriction relating to temporary entry as a condition for entry under paragraph 1.

Article 6
Provision of Information

Each Party shall publish promptly on the internet where possible or, if not, otherwise make publicly available:

- (a) the requirements for temporary entry under this Chapter, including explanatory material and relevant forms and documents that will enable business persons of the other Party to become acquainted with those requirements;
- (b) explanatory material on all relevant immigration formalities which pertain to or affect the operation of this Chapter; and
- (c) modifications or amendments to any requirements for temporary entry referred to in subparagraph (a) that affect the temporary entry of business persons and shall ensure that the information published pursuant to subparagraph (a) is updated by the date that the modification or amendment comes into effect.

Article 7
Contact Points

1. Each Party shall designate a contact point to facilitate communication and the effective implementation of this Chapter, and respond to inquiries from the other Party regarding regulations affecting the movement of business persons between the Parties or any matters covered in this Chapter, and shall provide details of this contact point to the other Party.

2. The Parties shall notify each other promptly of any amendments to the details of their contact points.

Article 8

Dispute Settlement

1. The Parties shall endeavour to settle any differences or disputes arising out of the implementation of this Chapter amicably through consultations or negotiations.
2. A Party shall not have recourse to Chapter 21 (Dispute Settlement) regarding a refusal to grant temporary entry under this Chapter unless:
 - (a) the matter involves a pattern of practice; and
 - (b) the business persons affected have exhausted all available domestic remedies regarding the particular matter.
3. The remedies referred to in subparagraph 2(b) of this Article shall be deemed to be exhausted if a final determination in the matter has not been issued by the other Party within a reasonable period of time after the date of the institution of proceedings for the remedy, including any proceedings for review or appeal, and the failure to issue such a determination is not attributable to delays caused by the business persons concerned.