

CHAPTER 11 TEMPORARY MOVEMENT OF NATURAL PERSONS

Article 11.1 Objectives and Scope

1. This Chapter reflects the common objective of the Parties to facilitate the entry and temporary stay of natural persons, and the need to establish transparent criteria and procedures for entry and temporary stay.
2. This Chapter sets out the rights and obligations of the Parties concerning the entry into and temporary stay in their respective territories of business visitors and intra-corporate transferees of the other Party.
3. This Chapter shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.
4. Nothing in this Chapter shall prevent a Party from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under the terms of this Chapter.²⁹

Article 11.2 Definitions

For the purposes of this Chapter;

- (a) **business visitors** means natural persons of a Party who are seeking entry into and temporary stay in the territory of the other Party for the purpose of:
- (i) engaging in activities related to trade in goods;
 - (ii) establishing or acquiring an enterprise; or,
 - (iii) negotiating the sale of services or entering into agreements to sell services as employees or representatives of a service supplier of a Party.

Business visitors do not engage in direct transactions with the general public and do not receive remuneration from a source located within the host Party.

- (b) **intra-corporate transferees** means natural persons who have been employed

²⁹ The sole fact of requiring a visa for natural persons of certain countries and not for those of others shall not be regarded as nullifying or impairing benefits under the Agreement.

by an enterprise of one Party, or in the case of a professional providing business services, have been partners in it, for at least one year, and who are temporarily transferred to a subsidiary, affiliate, branch or head company of that enterprise in the territory of the other Party. The natural person concerned must belong to one of the following categories.

Executives

Natural persons within an enterprise who direct the management of the enterprise, exercise wide latitude in decision-making, and receive general supervision or direction from the board of directors or stockholders of the enterprise, or their equivalent. Executives do not directly perform tasks related to the actual provision of the services or conduct of operations of the enterprise.

Managers

Natural persons working in a senior position within an enterprise, who primarily direct the management of the enterprise, receiving general supervision or direction from high-level executives, the board of directors or stockholders of the enterprise or their equivalent, including:

- (i) directing the enterprise or a department or sub-division thereof;
- (ii) supervising and controlling the work of other supervisory, professional or managerial employees; and
- (iii) having the authority personally to recruit and dismiss or recommend recruiting, dismissing or other personnel actions.

Specialists

Natural persons working within an enterprise, who possess uncommon knowledge or expertise essential to the enterprise's production, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the enterprise, but also, where relevant, of whether the person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.

Article 11.3
Grant of Entry and Temporary Stay

Business Visitors

1. Subject to its laws, regulations and requirements,
 - (a) Singapore shall allow the temporary entry and stay of business visitors, for a

period of up to 30 days per entry; and

- (b) Turkey shall allow the temporary entry and stay of business visitors, for a period of up to 90 days within a 180-day period.

Intra-Corporate Transferees

- 2. Subject to its respective laws, regulations, and requirements, each Party shall grant entry into and temporary stay in its territory intra-corporate transferees of the enterprise of the other Party, for the durations specified below:
 - (a) In the case of Singapore, for an initial period limited to two years that may be extended for up to three additional years, for a total term not exceeding five years.
 - (b) In the case of Turkey, for an initial period of one year, that may be extended for up to two years, for a total term not exceeding three years.

Article 11.4
Provision of Information

- 1. For the purposes of this Chapter, each Party shall ensure that its competent authorities make publicly available such information in such a manner as will enable natural persons of the other Party to become acquainted with its measures relating to this Chapter. Such information shall be kept updated.
- 2. Information referred to in paragraph 1 refers to explanatory material, regarding the requirements for entry and temporary stay under this Chapter. Such explanatory material shall include, where appropriate:
 - (a) the relevant laws and regulations;
 - (b) the categories of permission relating to the entry and temporary stay of natural persons under this Chapter;
 - (c) the procedures for the application for, and the grant, extension or renewal of such permission, including the documentation required, conditions to be met and method of filing;
 - (d) the application fees for each type of permission relating to the entry and temporary stay of natural persons under this Chapter; and
 - (e) the indicative processing time for the applications.

3. Each Party shall provide the other Party with details of relevant publications or websites where information referred to in paragraph 2 is made available no later than six months after the date of entry into force of this Agreement.
4. Each Party shall establish and maintain contact points to facilitate the access of the other Party's natural persons to the information referred to in paragraph 2 of this Article. Upon entry into force of the Agreement, each Party shall notify to the other Party the contact details of its contact points.

Article 11.5 **Expeditious Application Procedures**

1. The competent authorities of each Party shall process expeditiously applications for granting entry and temporary stay from natural persons of the other Party, including applications for renewals or extensions thereof.
2. Upon request by the applicant, the competent authorities of a Party shall provide, without undue delay, information concerning the status of his or her application.
3. The competent authorities of each Party shall within a reasonable period of time after an application requesting entry and temporary stay is considered complete under its domestic laws and regulations: notify the applicant, either directly or through his or her prospective employers, of the outcome of the application. The notification shall include, as appropriate, the approved period of stay and any other terms and conditions.
4. Parties shall provide for facilities for online application and processing for the permission for entry and temporary stay of natural persons under this Chapter. A Party may require that online applications for permission be made by prospective employers of the natural person concerned.

Article 11.6 **Dispute Settlement**

Nothing in this Chapter shall be subject to investor-state dispute settlement pursuant to Section 12-B (Investor-State Dispute Settlement) of Chapter 12 (Investment).