

## CHAPTER 13

### TEMPORARY ENTRY OF BUSINESS PERSONS

#### Article 13.1 Definitions

For the purposes of this Chapter:

**“business person”** means a national, who is engaged in trade in goods, the supply of services, or the conduct of investment activities;

**“immigration formality”** means a visa, permit, pass, or other document, or electronic authority, granting temporary entry;

**“immigration measure”** means any measure affecting the entry and stay of foreign nationals; and

**“temporary entry”** means entry into and temporary stay in the territory of a Party by a business person of the other Party who does not intend to establish permanent residence.

#### Article 13.2 Objectives

The objectives of this Chapter are to:

- (a) facilitate temporary entry of natural persons for business purposes on a reciprocal basis; and
- (b) ensure an expeditious and transparent process to facilitate the temporary entry of natural persons for business purposes,

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

#### Article 13.3 Scope

1. This Chapter shall apply to measures that affect the temporary entry of business persons of a Party into the territory of the other Party who fall into the scope of the categories set out in Annex 13A (Schedule of Commitments for Temporary Entry of Business Persons).

2. This Chapter shall not apply to measures affecting natural persons seeking access to the employment market of the other Party, nor to measures regarding citizenship, nationality, residence, or employment on a permanent basis.
3. Nothing in this Agreement shall prevent a Party from applying measures to regulate temporary entry, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that those measures are not applied in a manner as to nullify or impair the benefits accruing to the other Party under this Chapter.
4. The sole fact that a Party requires business persons of the other Party to obtain an immigration formality shall not be regarded as nullifying or impairing the benefits accruing to the other Party under this Chapter.
5. For greater certainty, all requirements provided for in the law of each Party regarding employment and social security measures shall continue to apply, including laws and regulations concerning minimum wages as well as collective wage agreements.
6. Commitments on the temporary entry of business persons as set out in Annex 13A (Schedule of Commitments for Temporary Entry of Business Persons) shall not apply in cases where the intent or effect of the temporary entry is to interfere with or otherwise affect the outcome of a labour or management dispute or negotiation, or the employment of a natural person who is involved in that dispute or negotiation.

#### **Article 13.4** **Application Procedures**

1. As expeditiously as possible after receipt of a completed application for an immigration formality, each Party shall make a decision on the application and inform the applicant of the decision including, if approved, the period of stay and other conditions.
2. At the request of an applicant, a Party in receipt of a completed application for temporary entry shall endeavour to provide, without undue delay, information concerning the status of the application.
3. Each Party shall ensure that fees charged by its competent authority for the processing of an application for an immigration formality are reasonable, in that they do not unduly impair or delay trade in goods or services or the conduct of investment activities under this Agreement.

**Article 13.5**  
**Grant of Temporary Entry**

1. Each Party shall set out in Annex 13A (Schedule of Commitments for Temporary Entry of Business Persons) its commitments for the temporary entry of business persons in its territory. Annex 13A (Schedule of Commitments for Temporary Entry of Business Persons) shall specify the conditions and limitations for temporary entry and stay, including length of stay, for each category of business persons specified by that Party.
2. A Party shall grant temporary entry or extension of temporary stay to business persons of the other Party to the extent provided for in those commitments made pursuant to paragraph 1, provided that those business persons:
  - (a) follow the granting Party's prescribed application procedures for the immigration formality sought; and
  - (b) meet all relevant eligibility requirements for temporary entry into, or extension of temporary stay in, the granting Party.
3. The sole fact that a Party grants temporary entry or extension of temporary stay to a business person of the other Party pursuant to this Chapter shall not be construed to exempt that business person from meeting any applicable licensing or other requirements, including any mandatory codes of conduct, to practise a profession or otherwise engage in business activities.
4. A Party shall not adopt or maintain limitations in the form of numerical quotas on the total number for each category of business persons of the other Party granted temporary entry in accordance with Annex 13A (Schedule of Commitments for Temporary Entry of Business Persons). A Party shall not maintain or adopt the requirement of an economic needs test, except as provided for in Annex 13A (Schedule of Commitments for Temporary Entry of Business Persons).

**Article 13.6**  
**Provision of Information**

1. Further to Article 29.2 (Publication – Transparency) and Article 29.5 (Provision of Information – Transparency), each Party shall make publicly available information relating to the current requirements for temporary entry by business persons of the other Party, permitted in accordance with Annex 13A (Schedule of Commitments for Temporary Entry of Business Persons).
2. The information referred to in paragraph 1 shall include, where applicable, the following information:
  - (a) categories of immigration formality;

- (b) documentation required and conditions to be met;
  - (c) method of filing an application and options on where to file, such as consular offices or online;
  - (d) application fees and an indicative timeframe of the processing of an application;
  - (e) the maximum length of stay under each category of immigration formality;
  - (f) conditions for any available extension or renewal;
  - (g) rules regarding accompanying dependents;
  - (h) available review or appeal procedures; and
  - (i) relevant measures of general application pertaining to the temporary entry of business persons of the other Party.
3. With respect to the information referred to in paragraphs 1 and 2, each Party shall endeavour to promptly inform the other Party, either through existing mechanisms or the Services and Investment Sub-Committee, of the introduction of any new requirements and procedures or of the changes in any requirements and procedures that affect the effective application for the grant of entry into, and where applicable, permission to work in, its territory.

### **Article 13.7**

#### **Institutional Arrangements**

The Services and Investment Sub-Committee will review and monitor the implementation and operation of this Chapter and perform other functions in accordance with Article 9.14 (Services and Investment Sub-Committee – Cross Border Trade in Services).

### **Article 13.8**

#### **Relation to Other Chapters**

1. Except for this Chapter, Chapter 1 (Initial Provisions and General Definitions), Chapter 30 (Institutional Provisions), Chapter 31 (Dispute Settlement), Chapter 33 (Final Provisions), Article 29.2 (Publication – Transparency), and Article 29.5 (Provision of Information – Transparency), no provision of this Agreement shall impose any obligation on a Party regarding its immigration measures.

2. Nothing in this Chapter shall be construed to impose obligations or commitments with respect to other Chapters of this Agreement.

### **Article 13.9**

#### **Dispute Settlement**

1. The Parties shall endeavour to settle any differences arising out of the implementation of this Chapter amicably through consultations or negotiations.<sup>1</sup>
2. Neither Party shall have recourse to dispute settlement under Chapter 31 (Dispute Settlement) regarding a refusal to grant temporary entry unless:
  - (a) the matter involves a pattern of practice; and
  - (b) the business persons affected have exhausted all available administrative remedies regarding the particular matter.
3. The remedies referred to in subparagraph 2(b) 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.

### **Article 13.10**

#### **Cooperation on Return and Readmissions**

The Parties acknowledge that the temporary entry of business persons requires the Parties' full cooperation to support the return and readmission of business persons staying in a Party in contravention of its law for temporary entry.

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<sup>1</sup> For greater certainty, this includes by way of the mechanisms set out in Article 31.3 (Cooperation – Dispute Settlement).

## ANNEX 13A

### SCHEDULE OF COMMITMENTS FOR TEMPORARY ENTRY OF BUSINESS PERSONS

#### Schedule of New Zealand

1. The following sets out New Zealand's commitments in accordance with Article 13.5 (Grant of Temporary Entry) in respect of the entry and temporary stay of business persons.
2. For the purposes of this Schedule, the term "CPC" means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).
3. For the purposes of this Schedule, the term "enterprise of a party" means an enterprise of a party as defined in Article 9.1 (Definitions – Cross-Border Trade in Services).

#### A. Business Visitors

| Description of Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Conditions and Limitations<br>(including length of stay)                                |
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| <p><u>Definition:</u></p> <p><b>Business Visitors</b> comprise a business person:</p> <p>(a) who is seeking temporary entry to New Zealand for the purpose of:</p> <p>(i) <b>meetings and consultations:</b> business persons attending meetings or conferences, or engaged in consultations with business associates;</p> <p>(ii) <b>training seminars:</b> personnel of an enterprise who enter the territory of a Party to receive informal training in techniques and work practices which are relevant to the operation of the enterprise,</p> | <p>Entry for a period not exceeding in aggregate three months in any calendar year.</p> |

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| <p>provided that the training received is confined to observation, familiarisation, and theoretical instruction only and does not lead to the award of a formal qualification;<sup>1</sup></p> <p>(iii) <b>trade fairs and exhibitions:</b> personnel attending a trade fair for the purpose of promoting their company or its products or services;</p> <p>(iv) <b>sales:</b> representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves;</p> <p>(v) <b>purchasing:</b> buyers purchasing goods or services for an enterprise, or management and supervisory personnel, engaging in a commercial transaction carried out in the territory of the Party of which the short-term business visitor is a natural person;</p> <p>(vi) <b>commercial transactions:</b> management and supervisory personnel and financial services personnel (including insurers, bankers, and investment brokers) engaging in a commercial transaction for an enterprise of a Party of which the short-term business visitor is a natural person;</p> <p>(vii) undertaking business consultations or negotiations</p> |  |
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<sup>1</sup> “formal qualification” means a qualification under the New Zealand Qualifications Framework.

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| <p><b>concerning the establishment, expansion, or winding up of a business enterprise or investment in New Zealand, or any related matter;</b></p> <p>(b) who is not seeking to enter the labour market of New Zealand; and</p> <p>(c) whose principal place of business, actual place of remuneration, and predominant place of accrual of profits remain outside New Zealand.</p> |  |
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## B. Intra-Corporate Transferees

| Description of Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Conditions and Limitations<br>(including length of stay) |
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| <p><b>The partner and dependent children accompanying the Intra-Corporate Transferee</b></p> <p>New Zealand shall allow the entry and temporary stay of the partner and any dependent children accompanying an Intra-Corporate Transferee of the United Kingdom that have been granted entry and temporary stay. The period of temporary stay for that partner and, where relevant, dependent children, shall be the same as that granted to the Intra-Corporate Transferee.</p> <p>For the purposes of this commitment:</p> <p><b>“partner”</b> means any spouse or civil partner of an Intra-Corporate Transferee from the United Kingdom, including under a marriage, civil union, or equivalent union or partnership, recognised as such in accordance with the law of New Zealand. For greater certainty, this includes any unmarried or same sex partner of the Intra-Corporate Transferee; and</p> <p><b>“dependent children”</b> means children under the age of 20 who are dependent on the Intra-Corporate Transferee and who are recognised as dependent children in accordance with the law of New Zealand where:</p> <p>(i) the Intra-Corporate Transferee has the legal right to remove them from their home country; or</p> <p>(ii) both of the children's parents will be granted entry and temporary stay in accordance with this Agreement.</p> |                                                          |

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| <p><u>Definition:</u></p> <p><b>Intra-Corporate Transferees</b> comprise an <b>executive, manager, or a specialist;</b></p> <p>(a) who is an employee of a goods supplier, service supplier, or investor of a Party with a commercial presence in New Zealand; and</p> <p>(b) whose salary and any related payments are paid entirely by the service supplier or enterprise that employs the Intra-Corporate Transferee.</p> <p>For the purposes of this definition, <b>“executive”</b> means a business person who primarily directs the management of an enterprise, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the enterprise. An executive would not directly perform tasks related to the actual provision of the service or the operation of the enterprise.</p> <p>Executives must have been employed by their employer for at least 12 months prior to their proposed transfer to New Zealand.</p> <p>For the purposes of this definition, <b>“manager”</b> means a business person who will be responsible for or directs the entire or a substantial part of the operations of the enterprise in New Zealand, receiving general supervision or direction principally from higher level executives, the board of directors, or stockholders of the enterprise; supervising and controlling the work of other supervisory, professional, or managerial employees;</p> | <p><u>Executives and managers:</u> Entry for a period of initial stay up to a maximum of three years.</p> <p><u>Decision making timelines:</u></p> <p>(i) To the extent practicable, the competent authorities of New Zealand shall adopt a decision on the immigration formality application, or a renewal of it, and shall notify the decision to the applicant in writing, in accordance with the notification procedures under the relevant law of New Zealand, as soon as possible but no later than 15 days from the date on which the complete application was submitted.</p> <p>(ii) Where it is not practicable for a decision to be made within 15 days, the competent authorities of New Zealand shall endeavour to make a decision within a reasonable period of time thereafter.</p> <p>(iii) Where the information or documentation for the application is incomplete, and additional information is required to process the application, the competent authorities shall endeavour to notify the applicant within a reasonable period of time of the additional information that is required and set a reasonable deadline for providing it. The 15 day period shall be suspended until the competent authorities have received the required additional information.</p> |
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| <p>and having the authority to establish goals and policies of the entire or a substantial part of the operations of the enterprise.</p> <p>Managers must have been employed by their employer for at least 12 months prior to their proposed transfer to New Zealand.</p> <p>For the purposes of this definition, “<b>specialist</b>” means a business person with advanced trade, technical, or professional skills within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organisation’s service, research equipment, techniques, or management. Such specialists are responsible for or employed in a particular aspect of an organisation’s operations in New Zealand. Skills are assessed in terms of the applicant’s employment experience, qualifications, and suitability for the position.</p> | <p><u>Specialists:</u> Entry for a period of initial stay up to a maximum of three years.</p> |
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### C. Contractual Services Suppliers

| Description of Category                                                                                                                                                                                                                                                                                                                        | Conditions and Limitations<br>(including length of stay)                                                                                                                                                                                                                                                                                                                                                       |
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| <p><u>Definition:</u></p> <p><b>“Contractual Services Supplier”</b> means a business person employed by an enterprise of the United Kingdom that:</p> <p>(a) is not an agency for placement and supply services of personnel and is not acting through such an agency;</p> <p>(b) has not established in the territory of New Zealand; and</p> | <p>Entry for a cumulative period of not more than six months in any 12 month period or for the duration of the contract, whichever is less. Subject to economic needs tests.</p> <p>The Contractual Service Supplier entering New Zealand has been offering such services as an employee of the enterprise supplying the services for at least the year immediately preceding the date of submission of an</p> |

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| <p>(c) has concluded a <i>bona fide</i> contract to supply services to a final consumer in New Zealand, requiring the presence on a temporary basis of its employees in New Zealand in order to fulfil the contract to supply services.</p> <p>A Contractual Services Supplier must have:</p> <p>(a) a tertiary-level degree of at least three years in duration;<sup>2</sup> and</p> <p>(b) at least six years of experience.</p> <p>The six years of experience must be relevant to the field of the contract to supply services.</p> <p>Only in respect of the service sectors or sub-sectors set out below:</p> <p>(a) Legal advisory services in respect of public international law and foreign law (part of CPC 861);</p> <p>(b) accounting, auditing, and bookkeeping services (CPC 862);</p> <p>(c) taxation advisory services (part of CPC 863);</p> <p>(d) urban planning and landscape architectural services (CPC 8674);</p> <p>(e) medical and dental services (CPC 9312);</p> <p>(f) midwives services (part of CPC 93191);</p> <p>(g) services provided by nurses, physiotherapists, and paramedical personnel (part of CPC 93191);</p> | <p>application for entry into New Zealand.</p> <p>The Contractual Services Supplier entering New Zealand must have a valid employment contract with that enterprise in the United Kingdom and receive pay, while in New Zealand, that is at least equivalent to that which a comparable New Zealand worker providing services in the same or similar field would be expected to receive. The contractual services supplier must be employed on conditions that are equivalent to New Zealand minimum employment standards.</p> <p>The Contractual Services Supplier does not receive remuneration for the provision of services in the territory of New Zealand other than the remuneration paid by the enterprise employing the Contractual Services Supplier or from a source outside New Zealand.</p> <p>The number of persons covered by the services contract shall not be larger than necessary to provide the services as stipulated in the contract.</p> <p>The contract to supply services shall comply with the law of New Zealand.</p> |
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<sup>2</sup> For greater certainty, these qualifications must be recognised by the appropriate New Zealand authority where New Zealand law requires such recognition as a condition of the provision of that service in New Zealand.

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| <p>(h) research and development services (CPC 851-853);</p> <p>(i) advertising services (CPC 871);</p> <p>(j) market research and opinion polling (CPC 864);</p> <p>(k) management consulting services (CPC 865);</p> <p>(l) services related to management consulting (CPC 866);</p> <p>(m) technical testing and analysis services (CPC 8676);</p> <p>(n) related scientific and technical consulting services (CPC 8675);</p> <p>(o) mining (advisory and consulting only) (part of CPC 883 + 5115);</p> <p>(p) translation and interpretation services (CPC 87905**);</p> <p>(q) telecommunication services (CPC 752);</p> <p>(r) postal and courier services (advisory and consulting only) (part of CPC 751);</p> <p>(s) insurance and insurance related advisory and consulting services (part of CPC 812);</p> <p>(t) other financial services advisory and consulting services (parts of CPC 8131**, 8133**);</p> <p>(u) transport advisory and consulting services (parts of CPC 74490**, 74590**, 74690**); or</p> |  |
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| (v) manufacturing advisory and consulting services (part of CPC 884-885). |  |
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#### D. Installers and Servicers

| Description of Category                                                                                                                                                                                                                                                                                                                                                                                | Conditions and Limitations<br>(including length of stay)                    |
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| <p><b>“Installers and Servicers”</b> comprise a business person who is an Installer or Servicer of machinery or equipment, in situations when such installation or servicing by the supplying company is a condition of purchase of the machinery or equipment. An Installer or Servicer cannot perform services that are not related to the service activity that is the subject of the contract.</p> | <p>Entry for periods not exceeding three months in any 12 month period.</p> |

#### E. Independent Professionals

| Description of Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Conditions and Limitations<br>(including length of stay)                                            |
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| <p><u>Definition:</u></p> <p><b>“Independent Professionals”</b> means a self-employed business person with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand.</p> <p>An Independent Professional must have:</p> <p>(a) a qualification resulting from at least three years of formal post-secondary school education leading to a degree or diploma recognised as comparable to the domestic standard in New Zealand;<sup>3</sup> and</p> | <p>Entry for a period of stay up to a maximum of 12 months and subject to economic needs tests.</p> |

<sup>3</sup> For greater certainty, these qualifications must be recognised by the appropriate New Zealand authority where under New Zealand law such recognition is a condition of the provision of that service in New Zealand.

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| <p>(b) at least six years of experience.</p> <p>The six years of experience must be relevant to the field of the contract to supply services.</p> <p>Only in respect of the service sectors set out in New Zealand's Schedule of Specific Commitments in the WTO (as currently set out in GATS/SC/62, GATS/SC/62/Suppl.1, and GATS/SC/62/Suppl.2) and the additional service sectors set out below.</p> <p>1. BUSINESS SERVICES</p> <p>A. Professional Services</p> <p>(a) Legal services (international and foreign law) (part of CPC 861**)</p> <p>(f) Integrated engineering services (CPC 8673)</p> <p>(g) Consultancy related to urban planning and landscape architectural services (part of CPC 86711**)</p> <p>B. Computer and Related Services</p> <p>(e) Maintenance and repair of office machinery and equipment including computers (CPC 84500)</p> <p>(f) Other computer services (CPC 84990)</p> <p>F. Other Business Services</p> <p>(c) Management consultancy services (CPC 8650)</p> <p>(d) Services related to management consultancy (CPC 8660)</p> <p>(f) Services incidental to animal husbandry (CPC 88120)</p> <p>(k) Placement and supply services of Personnel (CPC 8720)</p> <p>(p) Photographic services (CPC 8750)</p> <p>(s) Convention services (part of CPC 64110**)</p> <p>(t) Other (credit reporting, collection agency services, interior design, telephone</p> |  |
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| <p>answering and duplicating services) (CPC 87901, 87902, 87907, 87903, 87904)</p> <p>5. EDUCATIONAL SERVICES</p> <p>E. Other Education Services (part of CPC 92900**)</p> <ul style="list-style-type: none"> <li>- Language training provided in private specialist language institutions;</li> <li>- Tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system.</li> </ul> <p>6. ENVIRONMENTAL SERVICES</p> <p>A. Waste Water Management</p> <p>B. Waste Management</p> <p>C. Sanitation and similar services (CPC 94030)</p> <p>D. Protection of ambient air and climate: consultancy only (Part of 94040)</p> <p>E. Noise and vibration abatement: consultancy only (Part of CP 94050)</p> <p>F. Protection of biodiversity and landscape: consultancy only (Part of 94090)</p> <p>G. Other environmental and ancillary services: consultancy only (Part of 94090)</p> |  |
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1. Notwithstanding the commitments set out above, New Zealand reserves the right to adopt or maintain any measure with respect to ships' crews.
2. With respect to audio-visual services, New Zealand immigration instructions stipulate a special procedure for the granting of visas to entertainers, performing artists, and associated support personnel for work purposes. To be eligible for a work visa or work permit, those applicants must come within the policy guidelines agreed to between the Minister of Immigration, independent promoters, agents, or producers, and the relevant performing artists' unions.

## Schedule of the United Kingdom

1. The following sets out the United Kingdom's commitments in accordance with Article 13.5 (Grant of Temporary Entry) in respect of the temporary entry of business persons.
2. For the purposes of this Schedule, the term "CPC" means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).
3. For the purposes of this Schedule, the term "enterprise of a Party" means an enterprise that carries out substantial business activities in the territory of New Zealand.

| Description of Category                                                                                                                                                                                                                                                                                                                                                                                                                  | Conditions and Limitations<br>(including length of stay)                                                                                                                                                                                                                                                                                                                                                  |
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| <b>A. Business visitors</b><br><br>Commitments under this category are made under the following headings: <ul style="list-style-type: none"> <li>• Business visitors for establishment purposes; and</li> <li>• Short-term business visitors.</li> </ul>                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>Definition:</u><br><br><b>"Business visitors for establishment purposes"</b> means business persons working in a senior position within an enterprise of a Party who are responsible for setting up an enterprise in the United Kingdom, do not offer nor provide services, do not engage in any economic activity other than what is required for establishment purposes, and do not receive remuneration within the United Kingdom. | Business visitors for establishment purposes must be employed by an enterprise other than a non-profit organisation.<br><br>Temporary stay for a period not exceeding 90 days in any 12 month period.<br><br>The United Kingdom shall grant temporary entry of Business visitors for establishment purposes without the requirement of a work permit or other prior approval procedure of similar intent. |
| <b>"Short-term business visitors"</b> are permitted to engage in the following activities during their temporary stay:                                                                                                                                                                                                                                                                                                                   | The United Kingdom shall allow the temporary entry of Short-term business visitors subject to the following conditions:                                                                                                                                                                                                                                                                                   |

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| <p>(i) meetings and consultations: business persons attending meetings or conferences, or engaged in consultations with business associates;</p> <p>(ii) training seminars: personnel of an enterprise who enter the United Kingdom to receive training in techniques and work practices which are utilised by companies or organisations in the United Kingdom, provided that the training received is confined to observation, familiarisation, and classroom instruction only;</p> <p>(iii) trade fairs and exhibitions: personnel attending a trade fair for the purpose of promoting their company or its products or services;</p> <p>(iv) sales: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves;</p> <p>(v) purchasing: buyers purchasing goods or services for an enterprise, or management and supervisory personnel, engaging in a commercial transaction carried out in New Zealand; and</p> <p>(vi) commercial transactions: management and supervisory personnel and financial services personnel (including insurers, bankers, and investment brokers) engaging in a commercial transaction for an enterprise of a Party.</p> | <p>(a) the Short-term business visitors are not engaged in selling their goods or supplying services to the general public;</p> <p>(b) the Short-term business visitors do not, on their own behalf, receive remuneration from within the United Kingdom; and</p> <p>(c) the Short-term business visitors are not engaged in the supply of a service in the framework of a contract concluded between an enterprise that has not established in the United Kingdom, and a consumer in the United Kingdom.</p> <p>Temporary stay for a period not exceeding 90 days in any 12 month period.</p> <p>The United Kingdom shall grant temporary entry of Short-term business visitors without the requirement of a work permit or other prior approval procedure of similar intent.</p> |
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| Description of Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Conditions and Limitations<br>(including length of stay) |
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| <p><b>B. Intra-Corporate Transferees (Managers, Specialists)</b></p> <p>1. Commitments under this category are made under the following headings:</p> <ul style="list-style-type: none"> <li>• managers; and</li> <li>• specialists.</li> </ul> <p><b>The partner and dependent children accompanying the Intra-corporate transferee</b></p> <p>2. The United Kingdom shall allow the temporary entry of the partner and dependent children accompanying an intra-corporate transferee of New Zealand granted temporary entry for the same period as the period of temporary stay granted to the intra-corporate transferee. For the purposes of this commitment:</p> <p style="padding-left: 40px;"><b>“the partner”</b> means any spouse or civil partner of an intra-corporate transferee from New Zealand, including under a marriage, civil partnership, or equivalent union or partnership, recognised as such in accordance with the law of the United Kingdom. For greater certainty, this also includes any unmarried or same sex partner who, when accompanying an intra-corporate transferee from New Zealand, may be granted temporary entry under the relevant law of the United Kingdom; and</p> <p style="padding-left: 40px;"><b>“dependent children”</b> means children who are dependent on the intra-corporate transferee and who are recognised as dependent children in accordance with the law of the United Kingdom where:</p> <p style="padding-left: 80px;">(a) the intra-corporate transferee has sole responsibility for the children; or</p> <p style="padding-left: 80px;">(b) both of the children's parents are being granted temporary entry in accordance with this Agreement.</p> <p>For greater certainty, with respect to the partner and dependent children of an intra-corporate transferee, temporary entry is without prejudice to the law of the United Kingdom applicable to temporary entry.</p> |                                                          |
| <p><u>Definition:</u></p> <p><b>“Intra-corporate transferees”</b> means business persons who:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                          |

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| <p>(a) have been employed by an enterprise of a Party, or have been partners in it, for a period of not less than one year immediately preceding the date of their application for the temporary entry in the United Kingdom;</p> <p>(b) are temporarily transferred to an enterprise, in the United Kingdom, which forms part of the same group of the originating enterprise including its representative office, subsidiary, branch, or head company; and</p> <p>(c) belongs to one of the following categories:</p> <p style="padding-left: 40px;">(i) <b>managers:</b> business persons working in a senior position, who primarily direct the management of the enterprise, receiving general supervision or direction principally from the board of directors or from stockholders of the business or their equivalent, including at least:</p> <p style="padding-left: 80px;">(A) directing the enterprise or a department thereof;</p> <p style="padding-left: 80px;">(B) supervising and controlling the work of other supervisory, professional or managerial employees; or</p> <p style="padding-left: 80px;">(C) having the personal authority to recruit and dismiss or to recommend recruitment, dismissal or other personnel-related actions; or</p> | <p>Intra-corporate transferees must be employed by an enterprise other than a non-profit organisation.</p> <p>Temporary stay for a period not exceeding three years.</p> <p>Decision making timelines:</p> <p style="padding-left: 40px;">(a) To the extent practicable, the competent authorities of the United Kingdom shall adopt a decision on the immigration formality application, or a renewal of it, and shall notify the decision to the applicant in writing, in accordance with the notification procedures under the relevant law of the United Kingdom, as soon as possible but no later than 90 days after the date on which the complete application was submitted.</p> <p style="padding-left: 40px;">(b) Where it is not practicable for a decision to be made within 90 days, the competent authorities of the United Kingdom shall endeavour to make the decision within a reasonable period of time thereafter.</p> <p style="padding-left: 40px;">(c) Where the information or documentation for the application is incomplete, and additional information is required to process the application, the competent authorities shall endeavour to notify the applicant within a reasonable period of time of the additional information that is required and set a reasonable deadline for providing it. The 90 day period shall be suspended until the competent</p> |
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| <p>(ii) <b>specialists:</b> business persons who possess specialised knowledge essential to the enterprise's production, research equipment, techniques, processes, procedures, or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the enterprise, but also of whether the business 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.</p> | <p>authorities have received the required additional information.</p> |
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| Description of Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Conditions and Limitations<br>(including length of stay)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>C. Contractual Service Suppliers</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><u>Definition:</u></p> <p><b>“Contractual service suppliers”</b> means business persons employed by an enterprise of a Party which:</p> <p>(a) is not an agency for placement and supply services of personnel and is not acting through such an agency;</p> <p>(b) has not established in the territory of the United Kingdom; and</p> <p>(c) has concluded a <i>bona fide</i> contract to supply services to a final consumer in the United Kingdom, requiring the presence on a temporary basis of its employees in the United Kingdom in order to</p> | <p>The business persons are engaged in the supply of a service on a temporary basis as employees of an enterprise which has obtained a service contract not exceeding 12 months.</p> <p>Temporary stay for a cumulative period of not more than six months in any 12 month period or for the duration of the contract, whichever is less.</p> <p>Entry for the following sub-sectors is subject to an economic needs test:</p> <p>(i) engineering services and integrated engineering services (CPC 8672 and 8673);</p> <p>(ii) management consulting services (CPC 865);</p> |

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| <p>fulfil the contract to supply services.</p> <p>The United Kingdom makes commitments only in the service sectors or sub-sectors set out below:</p> <p>(i) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p> <p>(ii) accounting and bookkeeping services (CPC 86212 other than "auditing services", 86213, 86219 and 86220);</p> <p>(iii) taxation advisory services (CPC 863). Taxation advisory services does not include legal advisory and legal representational services on tax matters, which are under legal advisory services in respect of public international law and foreign law;</p> <p>(iv) architectural services and urban planning and landscape architectural services (CPC 8671 and 8674);</p> <p>(v) engineering services and integrated engineering services (CPC 8672 and 8673);</p> <p>(vi) research and development services (CPC 851, 852 excluding psychologists services (part of CPC 85201, which is under medical and dental services), and 853);</p> <p>(vii) advertising services (CPC 871);</p> <p>(viii) market research and opinion polling services (CPC 864);</p> <p>(ix) management consulting services (CPC 865);</p> <p>(x) services related to management consulting (CPC 866);</p> | <p>(iii) services related to management consulting (CPC 866);</p> <p>(iv) research and development services (CPC 851, 852 excluding psychologists services (part of CPC 85201, which is under medical and dental services), and 853); and</p> <p>(v) postal and courier services (CPC 751, advisory and consulting services only).</p> <p>The business persons entering the United Kingdom have been offering such services as employees of the enterprise supplying the services for at least the year immediately preceding the date of submission of an application for entry into the United Kingdom and possess, at the date of submission of an application for entry into the United Kingdom at least three years professional experience in the sector of activity which is the subject of the contract. Professional experience shall be obtained after having reached the age of majority.</p> <p>The business persons entering the United Kingdom shall possess:</p> <p>(a) a university degree or a qualification demonstrating knowledge of an equivalent level; and</p> <p>(b) the professional qualifications legally required to exercise that activity in the United Kingdom.</p> <p>Where the degree or qualification has not been obtained in the United Kingdom, the United Kingdom may evaluate whether this is equivalent</p> |
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| <p>(xi) technical testing and analysis services (CPC 8676);</p> <p>(xii) maintenance and repair of metal products, of (non-office) machinery, of (non-transport and non-office) equipment, and of personal and household goods (CPC 633, 7545, 8861, 8862, 8864, 8865 and 8866);</p> <p>(xiii) translation and interpretation services (CPC 87905, excluding official or certified activities);</p> <p>(xiv) telecommunication services (CPC 7544, advisory and consulting services only);</p> <p>(xv) postal and courier services (CPC 751, advisory and consulting services only);</p> <p>(xvi) site investigation work (CPC 5111);</p> <p>(xvii) insurance and insurance related services (advisory and consulting services only); and</p> <p>(xviii) other financial services advisory and consulting services.</p> | <p>to a university degree required in its territory.</p> <p>The business person does not receive remuneration for the provision of services in the territory of the United Kingdom other than the remuneration paid by the enterprise employing the business person or from a source outside the United Kingdom.</p> <p>The access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the United Kingdom where the service is provided.</p> <p>The number of persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be requested by the laws, regulations or other legal requirements of the United Kingdom.</p> <p>The contract to supply services shall comply with the requirements of the law that apply in the United Kingdom.</p> <p>The United Kingdom may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements or licensing procedures that does not constitute a limitation within the meaning of Article 13.5 (Grant of Temporary Entry). Those measures, which include requirements to obtain a licence, to obtain recognition of qualifications in regulated sectors, or to pass specific examinations, such as language examinations, even if not listed in this Annex, apply in any case to contractual service suppliers of New Zealand.</p> |
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| Description of Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Conditions and Limitations<br>(including length of stay)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>D. Independent Professionals</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><u>Definition:</u></p> <p><b>“Independent professionals”</b> means business persons who:</p> <p>(a) are engaged in the supply of a service and established as self-employed in the territory of New Zealand;</p> <p>(b) have not established in the territory of the United Kingdom; and</p> <p>(c) have concluded a <i>bona fide</i> contract (other than through an agency for placement and supply services of personnel) to supply services to a final consumer in the United Kingdom, requiring their presence on a temporary basis in the United Kingdom in order to fulfil the contract to supply services.</p> <p>The United Kingdom makes commitments only in the service sectors or sub-sectors set out below:</p> <p>(i) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p> <p>(ii) architectural services and urban planning and landscape architectural services (CPC 8671 and 8674);</p> <p>(iii) research and development services (CPC 851, 852 excluding psychologists services (part of CPC 85201, which is under medical and dental services), and 853);</p> <p>(iv) management consulting services (CPC 865);</p> | <p>The business persons are engaged in the supply of a service on a temporary basis as self-employed persons established in New Zealand and have obtained a service contract for a period not exceeding 12 months.</p> <p>Temporary stay for a cumulative period of not more than six months in any 12 month period or for the duration of the contract, whichever is less.</p> <p>Entry for the following sub-sectors is subject to an economic needs test:</p> <ul style="list-style-type: none"> <li>(i) management consulting services (CPC 865);</li> <li>(ii) services related to management consulting (CPC 866);</li> <li>(iii) research and development services (CPC 851, 852 excluding psychologists services, and 853); and</li> <li>(iv) postal and courier services (CPC 751, advisory and consulting services only).</li> </ul> <p>The business persons entering the United Kingdom possess, at the date of submission of an application for entry into the United Kingdom, at least six years professional experience in the sector of activity which is the subject of the contract.</p> <p>The business persons entering the United Kingdom shall possess:</p> |

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| <p>(v) services related to management consulting (CPC 866);</p> <p>(vi) translation and interpretation services (CPC 87905, excluding official or certified activities);</p> <p>(vii) telecommunication services (CPC 7544, advisory and consulting services only);</p> <p>(viii) postal and courier services (CPC 751, advisory and consulting services only);</p> <p>(ix) insurance and insurance related services (advisory and consulting services only); and</p> <p>(x) other financial services (advisory and consulting services only).</p> | <p>(a) a university degree or a qualification demonstrating knowledge of an equivalent level; and</p> <p>(b) the professional qualifications legally required to exercise that activity in the United Kingdom.</p> <p>Where the degree or qualification has not been obtained in the United Kingdom, the United Kingdom may evaluate whether this is equivalent to a university degree required in its territory.</p> <p>The access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the United Kingdom where the service is provided.</p> <p>The contract to supply services shall comply with the requirements of the law that apply in the United Kingdom.</p> <p>The United Kingdom may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements or licensing procedures that does not constitute a limitation within the meaning of Article 13.5 (Grant of Temporary Entry). Those measures, which include requirements to obtain a licence, to obtain recognition of qualifications in regulated sectors, or to pass specific examinations, such as language examinations, even if not listed in this Annex, apply in any case to independent professionals of New Zealand.</p> |
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