

CHAPTER 10

MOVEMENT OF NATURAL PERSONS

ARTICLE 1001

Objectives

The objectives of this Chapter are:

- (a) to provide for rights and obligations additional to those set out in Chapter 8 and Chapter 9 in relation to the movement of natural persons between the Parties; and
- (b) to enhance the mobility of natural persons of either Party engaged in the conduct of trade and investment between the Parties, by facilitating temporary business entry and establishing simplified and transparent immigration formalities for business persons.

ARTICLE 1002

Definitions

For the purposes of this Chapter:

- (a) “business visitor” means a natural person of either Party who is:
 - (i) a service seller;
 - (ii) an investor of a Party, or a representative of an investor, seeking temporary entry to establish an investment; or
 - (iii) seeking temporary entry for the purposes of negotiating the sale of goods where such negotiations do not involve direct sales to the general public;
- (b) “contractual service supplier” means a natural person of a Party who satisfies any requirements under the laws, regulations and policies of the other Party or satisfies any recognition of standards requirements or criteria agreed by the Parties to provide such services in the territory of that Party, and:

CHAPTER 10

自然人流动

ARTICLE 1001

Objectives

本章的目标是：

- (a) 为缔约方之间自然人的流动提供除第八章和第九章规定的权利和义务之外的额外权利和义务；以及 (b) 通过促进临时商务入境 和为商务人员建立简化和透明的移民手续，增强缔约方从事贸易和投资的自然人的流动性。

ARTICLE 1002

定义

在本章节中：

- (a) “商务访客”是指任何一方的一名自然人，其：
 - (i) 是服务销售者； (ii) 是一方的投资者，或投资者的代表，寻求临时入境以建立投资；或 (iii) 寻求临时入境以协商销售商品，但此类协商不涉及直接销售给公众；
- (b) “合同服务供应商”是指一方为另一方提供此类服务而在该方领土内，满足该方或另一方法律、法规和政策中任何要求，或满足双方同意的标准要求或标准的自然人，并：

- (i) is an employee of a service supplier or a juridical person of a Party not having a commercial presence or investment in the other Party, which has concluded a service contract with a juridical person registered and engaged in substantive business operations in the other Party; or
- (ii) is a national of a Party and employed under an employment contract by a juridical person registered and engaged in substantive business operations in the other Party;

and is seeking temporary entry to provide a service as a manager, executive or specialist;

- (c) “executive” means a natural person within an organisation who primarily directs the management of the organisation, 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 business. An executive would not directly perform tasks related to the actual provision of the service or the operation of an investment;
- (d) “immigration formality” means a visa, work permit, or other document or electronic authority granting a natural person of one Party the right to reside or work in the territory of the other Party;
- (e) “intra-corporate transferee” means an employee of a service supplier, investor or juridical person of a Party established in the territory of the other Party through a branch or affiliate, and who is a manager, executive or specialist;
- (f) “manager” means a natural person within an organisation who primarily directs the organisation or a department or sub-division of the organisation, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorisation), and exercises discretionary authority over day-to-day operations. This does not include a first-line supervisor unless the employees supervised are professionals;
- (g) “service seller” means a natural person of a Party who is a sales representative of a service supplier of that Party and is seeking temporary entry to the other Party for the purpose of negotiating the sale of services for that service supplier, where such a representative will not be engaged in making direct sales to the general public or in supplying services directly;
- (h) “specialist” means a natural person 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; or a natural person with high-level technical or professional qualifications and skills and experience; and
- (i) “temporary entry” means entry by a business visitor, or an intra-corporate transferee, or a contractual service supplier as the case may be, without the intent to establish permanent residence and for the purpose of engaging in activities which are clearly related to their respective business purposes. Additionally, in the case of a business visitor, the salaries of and any related payments to such a visitor should be paid entirely by the service supplier or juridical person which employs that visitor in the visitor’s home country.

(i)是服务供应商的雇员或一方在另一方没有商业存在或投资的法人，该法人已与注册

从事于另一方的实质性业务运营；或 (ii) 是一方国民，并在在另一方法人注册并从事于实质性业务运营的另一方受雇于雇佣合同；

并且寻求临时入境以作为经理、高管或专家提供服务；

(c) “高管”是指组织内的自然人，主要负责指导组织的行政管理，在决策方面具有广泛的自由裁量权，并且仅从高级管理人员、董事会或公司股东那里接受一般监督或指示。高管不会直接执行与服务实际提供或投资运营相关的任务；

(d) “移民手续”是指签证、工作许可或其他授权一方自然人有权在另一方领土内居留或工作的文件或电子授权； (e) “公司内部转移人员”是指一方在另一方领土内通过分支机构或附属机构设立的供应商、投资者或法人雇员，并且是经理、高管或专家；

(f) “经理”是指组织内的自然人，主要负责指导组织或组织的部门或子部门，监督和控制其他监督、专业或管理人员的工作，有权招聘和解雇或采取其他人事行动（如晋升或休假授权），并对日常运营行使自由裁量权。这不包括一线主管，除非被监督的员工是专业人士； (g) “服务销售者”是指一方自然人，是该方服务供应商的销售代表，为该服务供应商寻求临时入境以谈判服务销售，此类代表不会从事直接销售给公众或直接提供服务； (h) “专家”是指组织内的自然人，拥有高级技术专长水平的知识，并拥有该组织服务的专有知识、研究设备、技术或管理；或具有高级技术或专业资格和技能及经验的自然人；以及 (i) “临时入境”是指商业访客、公司内部转移人员或合同服务供应商的入境，无意建立永久居留，且其从事的活动与其各自业务目的明显相关。此外，在商业访客的情况下，该访客的工资及任何相关支付应由在访客祖国雇佣该访客的服务供应商或法人完全支付。

Scope

1. This Chapter shall apply to measures affecting the movement of natural persons of a Party into the territory of the other Party where such persons are:
- (a) contractual service suppliers of the first Party;
 - (b) intra-corporate transferees of the first Party;
 - (c) service sellers of the first Party;
 - (d) investors of the first Party in respect of an investment of that investor in the territory of the other Party; or
 - (e) natural persons employed by an investor of the first Party in respect of an investment of that investor in the territory of the other Party.
2. This Chapter shall not apply to measures affecting natural persons seeking access to the employment market of a Party, or measures regarding citizenship, residence or employment on a permanent basis.

Short-Term Temporary Entry

A Party shall, upon application by a business visitor of the other Party who meets its criteria for the grant of an immigration formality, grant that business visitor, through the issue of an immigration formality, the right to temporary entry in the granting Party’s territory for a period of up to 90 days.

Long-Term Temporary Entry

A Party shall, in accordance with commitments in Annex 8, grant temporary entry to an intra-corporate transferee or a contractual service supplier of the other Party who meets its criteria for the grant of an immigration formality unless there has been a breach of any of the conditions governing temporary entry, or an application for an extension of an immigration formality has been refused on such grounds of national security or public order by the granting Party as it deems fit.

范围

1. 本章适用于影响一方自然人进入另一方领土的措施， 其中这些人包括：
- (a) 第一方的合同服务提供者；(b) 第一方的公司内部转移人员；(c) 第一方的服务销售者；(d) 第一方的投资者， 该投资者在另一方领土上的投资；或(e) 受第一方投资者雇用的自然人， 该投资者在另一方领土上的投资。
2. 本章不适用于影响一方就业市场准入的自然人的措施， 或涉及永久性公民身份、居留或就业的措施。

短期临时入境

一方应当， 在另一方商务访客满足其移民手续授予标准并申请时， 通过签发移民手续， 授予该商务访客在授予方领土内临时入境的权利， 期限最长为90天。

长期临时入境

一方应根据附件8中的承诺， 向符合其移民手续授予标准的另一方公司内部转移人员或合同服务供应商授予临时入境， 除非存在临时入境条件的任何违规行为， 或授予方根据其认为合适的理由， 以国家安全或公共秩序为由拒绝了移民手续的延期申请。

Provision of Information

A Party shall publish or otherwise make available to the other Party such information as will enable the other Party to become acquainted with its measures relating to this Chapter.

Immigration Measures

Nothing in this Chapter shall prevent a Party from applying measures to regulate the entry of natural persons of the other Party 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. 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 a specific commitment.

Expeditious Application Procedures

A Party shall process expeditiously applications for immigration formalities from natural persons of the other Party, including further immigration formality requests or extensions thereof.

信息提供

一方应发布或以其他方式向另一方提供此类信息，使另一方能够了解其与本章节相关措施。

移民措施

本章任何规定均不得阻止一方对其领土内另一方自然人的入境或临时停留采取措施，包括为保护其完整性和确保自然人跨境有序流动所必需的措施，但前提是此类措施不得以使另一方在本章条款下应享有的利益归于无效或受损的方式加以适用。仅因对某些国家的自然人要求签证而对其他国家的自然人没有要求，不应被视为使一项特定承诺下的利益归于无效或受损。

快速申请程序

一方应迅速处理来自另一方自然人的移民手续申请，包括进一步的移民手续请求或延期。