

9. Replace Chapter 9 (Movement of Natural Persons) with:

CHAPTER 9

MOVEMENT OF NATURAL PERSONS

Article 1 Objectives

The objectives of this Chapter are to:

- (a) provide for rights and obligations in relation to the movement of natural persons between the Parties for business purposes;
- (b) facilitate the movement of natural persons engaged in the conduct of trade and investment between the Parties;
- (c) establish streamlined and transparent procedures for applications for immigration formalities for the temporary entry of natural persons to whom this Chapter applies; and
- (d) protect the integrity of the Parties' borders and protect the domestic labour force and permanent employment in the territories of the Parties.

Article 2 Scope

1. This Chapter shall apply, as set out in each Party's schedule of specific commitments in Annex 4 (Schedules of Specific Commitments on the Movement of Natural Persons), to measures affecting the temporary entry of natural persons of a Party into the territory of another Party. Such persons may include:

- (a) business visitors;
- (b) installers and servicers;

- (c) executives of a business headquartered in a Party establishing a branch or subsidiary, or other commercial presence of that business in another Party;
- (d) intra-corporate transferees; or
- (e) contractual service suppliers.

2. This Chapter shall not apply to measures affecting natural persons seeking access to the employment market of another Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

3. Nothing in this Agreement shall prevent a Party from applying measures to regulate the entry of natural persons of another 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 those measures are not applied in a manner as to nullify or impair the benefits accruing to any Party under this Chapter.

4. The sole fact that a Party requires natural persons of another Party to obtain an immigration formality shall not be regarded as nullifying or impairing the benefits accruing to any Party under this Chapter.

Article 3 Definitions

For the purposes of this Chapter:

- (a) **granting Party** means a Party who receives an application for temporary entry from a natural person of another Party who is covered by Article 2.1 (Scope);

- (b) **immigration formality** means a visa, permit, pass or other document or electronic authority granting a natural person of one Party the right to enter, reside or work or establish commercial presence in the territory of the granting Party;
- (c) **natural person of a Party** means a natural person of a Party as defined in Article 1(j) (Definitions) of Chapter 8 (Trade in Services); and
- (d) **temporary entry** means entry by a natural person covered by this Chapter, without the intent to establish permanent residence.

Article 4

Grant of Temporary Entry

1. Each Party shall, in accordance with that Party's schedule of specific commitments in Annex 4 (Schedules of Specific Commitments on the Movement of Natural Persons), grant temporary entry or extension of temporary stay in accordance with this Chapter to natural persons of another Party, provided that those natural persons:

- (a) follow 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.

2. Any fees imposed in respect of the processing of an immigration formality shall be reasonable and in accordance with each Party's laws and regulations.

3. A Party may deny temporary entry or extension of temporary stay to natural persons of another Party who do not comply with Paragraph 1(a) or (b).

4. The sole fact that a Party grants temporary entry to a natural person of another Party pursuant to this Chapter shall not be construed to exempt that natural 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.

Article 5

Schedules of Specific Commitments on the Movement of Natural Persons

Each Party shall set out in its Schedule in Annex 4 (Schedules of Specific Commitments on the Movement of Natural Persons) its commitments for the temporary entry and temporary stay in its territory of natural persons of another Party covered by Article 2.1 (Scope). These Schedules shall specify the conditions and limitations governing those commitments, including the length of stay, for each category of natural persons included therein.

Article 6

Processing of Applications

1. Where an application for an immigration formality is required by a Party, that Party shall promptly process complete applications for immigration formalities or extensions thereof received from natural persons of another Party covered by Article 2.1 (Scope).

2. Each Party shall, upon request and within a reasonable period after receiving a complete application for an immigration formality from a natural person of another Party covered by Article 2.1 (Scope), notify the applicant of:

- (a) the receipt of the application;
- (b) the status of the application; and

- (c) the decision concerning the application including, if approved, the period of stay and other conditions.

3. To the extent permissible under its laws and regulations, each Party shall endeavour to accept applications for immigration formalities in electronic format under the equivalent conditions of authenticity as paper submissions.

4. Where appropriate, each Party shall accept copies of documents authenticated in accordance with its laws and regulations in place of original documents, to the extent its laws and regulations permit.

Article 7 Transparency

1. Each Party shall:
 - (a) publish or otherwise make publicly available explanatory material on all relevant immigration formalities which pertain to or affect the operation of this Chapter;
 - (b) no later than six months after the date of entry into force of this Agreement publish, such as on its immigration website, or otherwise make publicly available in its territory and to persons in the territory of the other Parties, the requirements for temporary entry under this Chapter, including explanatory material and relevant forms and documents that will enable natural persons of other Parties to become acquainted with those requirements;
 - (c) upon modifying or amending any immigration measure that affects the temporary entry of natural persons of another Party, ensure that the information published or otherwise made publicly

available pursuant to Subparagraph (b) is updated as soon as possible within 90 days of the modification or amendment; and

- (d) establish or maintain mechanisms to respond to enquiries from interested persons regarding its laws and regulations affecting the temporary entry and temporary stay of natural persons.

2. Each Party shall endeavour to publish, to the extent practicable, the information referred to in Paragraph 1 in the English language.

Article 8 Application of Chapter 20 (Consultations and Dispute Settlement)

1. The Parties shall endeavour to settle any differences arising out of the implementation of this Chapter through consultations.

2. No Party shall have recourse to Chapter 20 (Consultations and Dispute Settlement) regarding a refusal to grant temporary entry under this Chapter unless:

- (a) the matter involves a pattern of practice on the part of the granting Party; and
- (b) the natural persons affected have exhausted all available domestic remedies regarding the particular matter.

Article 9 Relation to Other Chapters

1. Nothing in this Agreement shall be construed to impose any obligation on a Party regarding its immigration measures, except for this Chapter, Chapter 1 (Establishment of a Free Trade Area, Objectives and General Definitions), Chapter 19

(Institutional Provisions), Chapter 20 (Consultations and Dispute Settlement) and Chapter 21 (Final Provisions).

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