

CHAPTER 10

TEMPORARY ENTRY FOR BUSINESS PERSONS

Article 10.1: 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 activities, seeking temporary entry for business purposes;

immigration formality means a visa, permit, pass or other document or electronic authority granting a business person of a Party temporary entry;

immigration measure means any measure affecting the entry and stay of a business person of a Party in the Area of the other Party; and

temporary entry means entry into the Area of a Party by a business person of the other Party who does not intend to establish permanent residence.

Article 10.2: Scope

1. This Chapter shall apply to measures that affect the temporary entry of business persons of a Party into the Area of the other Party under any of the categories referred to in Annex 10-A.

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 citizenship, nationality, 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 the other Party into, or their temporary stay in, its Area, 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.

Article 10.3: Application Procedures

1. Each Party shall, as expeditiously as possible, process complete applications for immigration formalities, including further immigration formality requests or extensions, and inform the applicant of the decision including, if approved, the period of stay and other conditions.
2. On request of an applicant, a Party that has received a complete application for an immigration formality shall endeavour to promptly provide the applicant with information concerning the status of the application.
3. Each Party shall ensure that fees charged by its competent authorities for the processing of an application for an immigration formality are reasonable.

Article 10.4: Grant of Temporary Entry

1. Each Party shall set out in Annex 10-A the commitments it makes with regard to temporary entry of business persons of a Party, which shall specify the conditions and limitations¹ for entry and temporary 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 relevant immigration formality; and
 - (b) meet all relevant eligibility requirements for temporary entry to, or extension of temporary stay in, the granting Party.
3. The sole fact that a Party grants temporary entry 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.

Article 10.5: Provision of Information

1. Further to Articles 16.2 (Publication) and 16.3 (Notification and Provision of Information) of Chapter 16 (Transparency and Anti-Corruption), each Party shall:

¹ For greater certainty, conditions and limitations include any numerical quota or labour market testing requirement, which neither Party shall impose unless specified in Annex 10-A.

- (a) promptly publish online if possible or otherwise make publicly available, information on:
 - (i) current requirements for temporary entry under this Chapter, including explanatory material and relevant forms and documents that will enable interested persons of the other Party to become acquainted with those requirements; and
 - (ii) the typical timeframe within which an application for an immigration formality is processed; and
- (b) establish or maintain appropriate mechanisms to respond to enquiries from interested persons regarding measures relating to temporary entry under this Chapter.

2. The information referred to in paragraph 1(a) shall include, where applicable, the following information:

- (a) types of visa, permit or any similar authorisation regarding entry and temporary stay;
- (b) documentation required and conditions to be met; and
- (c) method of filing an application and options on where to file, such as consular offices or online.

Article 10.6: Relation to Other Chapters

1. Except for this Chapter, Chapter 1 (Initial Provisions and General Definitions), Chapter 17 (Administrative and Institutional Provisions), Chapter 18 (Dispute Settlement), Chapter 20 (Final Provisions) and Articles 16.2 (Publication) and 16.3 (Notification and Provision of Information) of Chapter 16 (Transparency and Anti-Corruption), 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 10.7: Dispute Settlement

Neither Party shall have recourse to dispute settlement under Chapter 18 (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.