

ANNEX 8C MOVEMENT OF NATURAL PERSONS

Article 1: Definitions

For the purposes of this Annex:

Entry and temporary stay means entry into the territory of a Party by a natural person of the other Party without the intent to establish permanent residence; and

Granting Party means a Party that receives an application for entry and temporary stay from a natural person of the other Party who is covered by Article 8.2 (Scope) of Chapter 8 (Trade in Services).

Article 2: Scope

1. This Annex shall apply to measures affecting the entry and temporary stay of natural persons of one Party into the territory of the other Party.
2. This Annex shall not apply to measures affecting natural persons 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 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 such measures are not applied in such a manner as to nullify or impair the benefits accruing to any Party under this Annex.
4. The sole fact that a Party requires natural persons of the other Party to obtain a visa or permit for entry and temporary stay shall not be regarded as nullifying or impairing the benefits accruing to any Party under this Annex, or unduly impairing or delaying trade in services under this Agreement.

Article 3: Objectives

The objectives of this Annex are to:

- (a) provide for rights and obligations additional to those set out in Chapter 8 (Trade in Services) 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 in services between the Parties; and

- (c) establish streamlined and transparent procedures for applications for the entry and temporary stay of natural persons to whom this Annex applies.

Article 4: Application Procedures

1. As expeditiously as possible after receipt of a completed application for an entry and temporary stay, 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. On request of an applicant, a Party in receipt of a completed application for entry and temporary stay shall promptly provide, without undue delay, information concerning the status of the application. Each Party shall notify the applicant for entry and temporary stay, either directly or through his or her prospective employers, of the outcome of the final determination, including period of stay and other conditions. In the case of an incomplete application, the Party shall notify the applicant of all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies.
3. Any fees imposed in respect of the processing of an entry and temporary stay shall be reasonable, so as to avoid unduly impairing or delaying trade in services under this Agreement.

Article 5: Transparency

1. Each Party shall maintain or establish contact points or other mechanisms to respond to inquiries from interested persons regarding regulations affecting the entry and temporary stay of natural persons. These contact points shall also be the authorised points allowing natural persons to report and seek clarifications, if any, on instances where they have encountered special difficulties in the process of seeking entry and temporary stay in the other Party.
2. To the extent possible, each Party shall allow reasonable time between publication of final regulations affecting the entry and temporary stay of natural persons and their effective date, and such notification to the other Party can be made electronically available.
3. Prior to the entry into force of this Agreement, the Parties shall exchange information on current procedures relating to the processing of applications for entry and temporary stay.

Article 6: Cooperation

Recognising that the Parties can benefit by sharing their diverse experience in developing and applying procedures related to visa processing and border security, the Parties shall consider undertaking mutually agreed cooperation activities, subject to available resources, including by:

- (a) providing advice on the development and implementation of electronic processing systems for visas;
- (b) sharing experiences with regulations, and the implementation of programs and technology related to border security, including those related to the use of biometric technology, advanced passenger information systems, frequent passenger programs, security in travel documents, and expediting certain categories of applicants to reduce facility and workload constraints; and
- (c) cooperating in multilateral forums to promote processing enhancements, such as those listed in (a) and (b).

Article 7: Non–Application of Dispute Settlement

Neither Party shall have recourse to dispute settlement under Chapter 17 (Dispute Settlement) for any matter arising under this Annex.