

ANNEX ON MOVEMENT OF NATURAL PERSONS

AU/CO/CR/EU/HK/IS/JP/LI/KR/MX/NZ/PA/TW oppose the use of term "*work*".

Article 1. [CA/EU/IS/NO/LI/JP propose: Scope] [CH/TR/PK propose: Scope and General Provisions]

1. This Annex applies to measures affecting natural persons who are service suppliers of a Party, and natural persons of a Party who are employed by a service supplier of a Party, in respect of the supply of a service], **[CA/CR/EU/NO/PA/IS/TW/LI propose; AU/JP/TR/PK/MU/PE oppose:** as set out in each Party's schedule of specific commitments]
2. The Agreement shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis

[AU/CA/CH/CL/CO/CR/HK/LI/JP/KR/TR/MX/NZ/PA propose; EU/PE/NO oppose; IS considering: 3. In accordance with Parts III and IV of the Agreement, Parties may negotiate specific commitments applying to the movement of all categories of natural persons supplying services under the Agreement. Natural persons covered by a specific commitment shall be allowed to supply the service in accordance with the terms of that commitment].

CA/NO/US: to be read/decided upon/ with Article 4.1

4. The Agreement shall not prevent a Party from applying measures to regulate the entry of natural persons 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 **[PE propose: this Annex and]** the terms of a specific commitment¹.

¹ The sole fact of requiring a visa for natural persons of certain Parties and not for those of others shall not

[TR propose; PK considering: Article 2. General Obligations

AU/EU/CA/CL/CO/CR/KR/LI/MX/NO/NZ/TW/US/IL: Do we need this para at all?

The Parties have agreed to **[HK/IS/JP oppose:** the principles and procedures] **[HK/IS/JP/NO propose:** this Annex] to ensure that all measures affecting the entry and temporary stay (of natural persons) **[AU/CR/HK/IL/IS/KR/LI/JP/MX/TW oppose:** and work] **[HK oppose:** of service providers] **[HK/IS/NO propose:** for the purpose of supplying services] **[CA/IS oppose:** are administered in a reasonable, objective and impartial manner] and **[AU oppose:** that such measures] are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination **[AU/CA propose:** between Parties where like conditions prevail] or a disguised restriction on trade in services] **[IS/NO propose:** as to nullify or impair the benefits accruing to any Party under the terms of a specific commitment]

Alternative

Article 2. General Obligations

Each Party shall ensure that all measures affecting entry and temporary stay of natural persons for the purpose of supplying services are administered in a reasonable, objective and impartial manner.

[[EU oppose: AU/CA/CH/CL/CO/CR/HK/JP/KR/MX/NZ/PA/PE/PK/TR/TW/US propose: NO/IL/IS/LI considering: Article 3. Transparency]

1. Each Party shall make publicly available information on the requirements and procedures for entry and temporary stay including relevant forms and documents, and explanatory materials that will enable interested persons of the other Parties to become acquainted with applicable requirements and procedures
2. The information referred to in paragraph 1 shall include, **[CH/TR/PK oppose:** where applicable], the following information:
 - (a) categories of visa, permits or any similar type of authorization regarding entry and temporary stay

be regarded as nullifying or impairing benefits under a specific commitment.

- (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 (*To be confirmed intersessionally by Parties*)
- (d) application fees and indicative processing time
- (e) the maximum period of stay under each type of authorization described in subparagraph (a)
- (f) conditions for any available extensions or renewal
- (g) **[NZ oppose:** rules regarding accompanying dependents],
- (h) available review and/or appeal procedures.
- (i) details of relevant contact points established in accordance with Article 7 (*To be revisited after the finalization of Article 7*),
- (j) relevant immigration laws of general application.]

The group will look whether to have "*where applicable*" in the chapeau or "*any available*" in individual indents where required

[AU/CL/CO/CR/MX/PA/PE/TW/IL/KR/NZ/JP/HK/NO/CA/EU/IS propose, CH/TR/PK oppose: The sole fact that a Party grants entry and temporary stay to a natural person of another Party shall not be construed to exempt that person from meeting any applicable licensing or other requirements, including any mandatory codes of conduct, to practice a profession **[TR/PK/MX propose:** according to the specific laws and regulations in force in the territory of that Party.] **[TR/PK oppose:** or otherwise engage in business activities].]

This Article will be moved to a different part of the Annex and de-linked from transparency.

EU propose: This Article will be the last paragraph of Article 5.

[CO/AU/NO/TW/IS/JP/EU propose: KR/PE/MX/CH/TR/PK/IL/CA considering: Article 4: Scheduling of Entry and Temporary Stay of Natural Persons

In scheduling commitments pursuant to Articles I-3 (Market Access) and I-4 (National Treatment) of the Agreement, each Party shall set out in its schedule the commitments it undertakes for the entry and temporary stay in its territory of **[EU propose:** the categories

of the] natural persons of another Party. These schedules shall specify **[CA oppose:** the terms, limitations and conditions governing those commitments] [for each category **[EU oppose:** of service supplier]], **[CA oppose:** including] the period of stay and **[JP oppose:** **EU considering:** any possibility for multiple entry or] extension of stay, any numerical **[CA propose:** limitations such as] quotas and any requirements of an economic needs test.]

[EU propose: The conditions and limitations related to the categories and period of stay referred to in paragraph 1 shall be scheduled in Part I]

[CH propose: Negotiating Note: This article is not seen as a substitute for Article 3 of GATS Annex.]

[CO/NO/CL/EU propose: JP/CA/PK/IS considering; CH oppose: Article 5. Specific commitments

[CL/CO/EU/KR/NO/MX/AU/MU propose; JP/TW/CA/IS/PK considering:

1. The schedule of each Party shall include commitments pursuant to Article I-3 (Market Access) and Article I-4 (National Treatment) subject to any terms, conditions, limitations and qualifications set out therein, with respect to the supply of service as defined in article I-1.2(d) (Mode 4) at least with respect to [intra-corporate transferees, business visitors and: contractual service suppliers/independent professionals.]²
2. For every sector committed at least for the supply of a service as described in Article I-1:2 (c) (Mode 3), subject to any terms, limitations, conditions and qualifications that the Party sets out in its Schedule, each Party allows entry and temporary stay of [intra-corporate transferees¹] **[JP oppose:** Parties shall **[MU considering:** endeavor to] allow entry and temporary stay of intra-corporate transferees for at least one year.

[JP propose: Parties shall not maintain or adopt Economic Needs Tests for [intra-corporate transferees¹]]

3. **[JP oppose:** Subject to any terms, limitations, conditions and qualifications that the

² Final wording subject to further discussion, including on the cross-reference to categories in the Australian submission on the temporary entry categories

Party sets out in its Schedule, each Party shall **[MU considering:** endeavor to] allow entry and temporary stay of **[Business Visitors¹]** for 90 days.] **[[JP/CO propose:** Parties shall not maintain or adopt Economic Needs Tests for **[Business Visitors¹]]**.

4. Subject to any terms, limitations, conditions and qualifications that the Party sets out in its Schedule, Parties shall **[MU considering:** endeavour to] allow the entry and temporary stay of **[contractual service suppliers [CH oppose: and] [CH propose: /] independent professionals¹]** for a **[CA propose: cumulative]** period of 3 months in any 12 months period or for the duration of the contract, whichever is less. **[CO/CL/JP propose; EU oppose:** Parties shall not maintain or adopt economic need tests for contractual service suppliers/ independent professionals]

[EU/TW oppose: Article 6. Entry and Temporary Stay Related Requirements and Procedures

Some Parties request coherence for the relevant paragraphs of this Article with Domestic Regulation disciplines.

Canada proposes to use requirements related to entry and temporary stay of natural persons instead of visas, work permits and procedures throughout the article.

[TR/CH/PK propose: 1. Parties shall **[JP/CR propose:** in accordance with domestic laws and regulations] ensure transparency, efficiency, **[IL/MX oppose:** due and fair process] in **[visa, [JP propose: and where applicable] permits or any similar type of authorization regarding entry and temporary stay] of natural persons supplying services [IL oppose: and decisions]**

[TR/CH/PE/NZ/HK propose; IL oppose: 2. Fees for processing applications for entry and temporary stay **[CH/TR propose: and work] for the service providers shall be reasonable and [CH propose: shall not exceed] [CH oppose: determined with regard to] the administrative costs involved.]**

[AU/CL/CA/JP/CO/MX/CR/PAMU propose; PE considering; IL oppose: 2. Each Party shall ensure that fees charged by competent authorities for the processing of applications for entry and temporary stay **[CR/PA oppose: are reasonable and,] [TR oppose: do not unduly impair or delay trade in services under this**

Agreement.] [TR/MU/PK **propose:** do not in itself restrict the supply of the service]]

[TR/CL/CH **propose;** IL **oppose:** 3. Complete Applications [JP **propose:** for visa and where applicable work permit] CA/CR **propose:** for the grant of entry and temporary stay] shall be processed [AU/CL **oppose:** promptly and expeditiously] [AU/CL/CR/PA/CO/CA/KR **propose:** as expeditiously as possible] [CR **propose:** in accordance with existing laws and regulations]. [TR/PK **propose:** The competent authorities of each Party shall notify the applicant for entry, temporary stay or work permit of the outcome of its application promptly after a decision has been taken. The notification shall include, if applicable, the period of stay and any other terms and conditions.]

[TR/CO/PE/MX **propose,** CR/AU/PA/CA/IL **oppose:** The period for processing applications may not exceed 30 days [JP **propose:**, except in cases where there are reasonable grounds].] [CH **oppose:** In any case, [AU/CL/PE/PA **propose:** Each Party shall ensure that] processing times [AU/CL/PA **oppose:** shall] [AU/CL/PE/PA **propose:** do] not constitute unnecessary barriers to trade in services.]]

[CH/TR **propose,** AU/CA/CL/IL/IS/MX/NO/TW/PA/CR **oppose:** The authorities of each Party competent for granting visas shall finalize within ten calendar days the procedure related to visa applications submitted by natural persons of other Parties covered by its schedule of specific commitments.]

[TR/JP/CH/PK **propose:** 4. Upon the applicant's request, the competent authorities of the Party concerned shall, without undue delay and to the extent possible, provide information concerning the status of the applicant's application.]

[AU/CA/IS/NO/PA/CR/CO/NZ/MX/HK/CL/PE **propose:** 4. At the request of an applicant, the competent authorities of the Party shall endeavor to respond [CR **propose:** without undue delay] [CR **oppose:** promptly] to any reasonable request about the status of an application.]

[TR/ PK/CO/HK/MX/CL **propose;** CR/PE **considering;** CA **oppose:** 5. In case of an incomplete application, the applicant shall be informed [IL/CR/PK/CO/HK/MX/CL **oppose:** promptly] [IL/CR/PK/CO/HK/CL

propose: without undue delay] of the information required to complete the application and shall be provided with the opportunity to correct any deficiencies within a reasonable period of time.]

[IS/JP/NO propose: If the competent authorities of a Party require additional information from the applicant in order to process the application, they shall, without undue delay, endeavor to notify the applicant.]

[CA/JP/KR/MX/CO/CR propose: 6. When the application is denied, the applicant shall be informed of the denial.]

[AU/CL/TR/CH/HK/PK/PE propose: 6. When the application is refused, the applicant shall be informed of the refusal and be provided information on **[TR/CH/HK/PK/PE propose:** available review procedures] **[TR/CH/HK/PK/PE oppose:** how they may seek review of the decision.]]

Proponents of paragraph 1 will consider whether the insertion of available review procedures or language to the same affect would allow them to accept the 2nd paragraph.

[TR propose; CA/CL/EU/HK/NO/IL/IS/PE/TW oppose: 7. When issuing visas **[TR propose:** and work permits or any similar type of document granting authorization] to service providers, Parties shall, to the extent possible, ensure that the period of validity is consistent with the planned duration of the contract or project for which services are provided; in cases where this is not possible initial period of stay shall be extended **[TR propose:** provided the conditions on which it is based remains in effect **[KR propose:**, subject to relevant domestic regulation of the Party]. Multiple entry visas should be issued **[JP oppose:** where justified by the nature of the services or the length of the contract or project.] **[JP propose:** as long as the requirements set by each Party are met.]]

[AU propose; PE considering: 7. Parties recognize the importance of multiple entry visas in facilitating entry and Parties will endeavor to issue multiple entry visas, where appropriate.]

[TR propose; CL considering: 8. Where possible, applications should be accepted and processed in electronic format.]

[AU/CA propose; TR oppose: 9. A Party may, on a non-discriminatory basis, and in accordance with existing laws and regulations, refuse to issue **[CA propose:** a work permit, authorization or other immigration document] **[AU propose:** an immigration formality] to a business person where the **[CA propose:** temporary] entry of that person might adversely affect:

- (a) The settlement of any labor dispute that is in progress at the place or intended place of employment; or
- (b) The employment of any person who is involved in such dispute.]

[AU propose: When a Party refuses pursuant to the above paragraph to issue an immigration formality, it shall inform the applicant accordingly.])

[TR/JP propose: Article 7. Contact Points

1. **[CO/CR/CA/TW/KR propose:** Each Party shall establish and maintain a contact point and notify the other Parties the contact details in order to facilitate communication, information flow and respond to inquiries from the other parties regarding measures that pertain to the entry, temporary stay of natural persons in its territory.]

IS/NO/NZ/EU: is this par needed given the general obligation?
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2. **[CH/TR propose; CA/CL/EU/KR/MX/NZ/PA/IL/PE/CO/CR oppose; PK considering:** Each Party shall **[CH oppose:** to the extent possible], also establish contact points, which could be the same as the contact point mentioned in paragraph 1, to allow natural person service suppliers 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 another Party].

Alternative to paragraphs 1 and 2. **[AU/CH/TR propose:** Each Party shall establish or maintain a contact point to respond to inquiries from interested persons regarding **[[all] measures]** that pertain to the entry and temporary stay covered by this Annex.

3. **[TR/CA propose:** Each Party shall notify the other Parties of the contact details, including amendments, of its contact points.]