

## CHAPTER 10

### MOVEMENT OF NATURAL PERSONS

#### Article 10.1: Definitions

For the purposes of this Chapter:

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

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

**temporary entry** means entry into the Area of a Party by a natural person of the other Party covered by this Chapter without the intent to establish permanent residence.

#### Article 10.2: Scope

1. This Chapter shall apply to measures that affect the movement of natural persons of a Party into the Area of the other Party in 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 natural 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: Grant of Temporary Entry

1. Each Party shall set out in Annex 10-A the specific commitments it undertakes for each of the categories of natural persons specified by that Party. The Parties may make commitments in respect of the temporary entry of natural persons.

2. Where a Party makes a commitment pursuant to paragraph 1, it shall grant temporary entry or extension of temporary stay to natural persons of the other Party to the extent provided for in that commitment, provided that those natural 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. In respect of the specific commitments on temporary entry in this Chapter, unless otherwise specified in Annex 10-A, neither Party shall:

- (a) impose or maintain any limitations on the total number of visas to be granted to natural persons of the other Party; or
- (b) require economic needs tests, including labour market tests, or other procedures of similar effect as a condition for temporary entry.

4. The sole fact that a Party grants temporary entry to a natural person of the other Party in accordance with 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 10.4: Transparency**

Further to the obligations in Chapter 16 (Transparency), each Party shall:

- (a) promptly publish online or otherwise make publicly available, information on:
  - (i) current requirements for temporary entry, 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.

### **Article 10.5: Requirements and Procedures Relating to the Movement of Natural Persons**

1. Each Party shall expeditiously process completed applications for immigration formalities, including further immigration formality requests or extensions thereof.
2. On request of an applicant, a Party that has received a completed application for an immigration formality shall endeavour to promptly provide information concerning the status of the application.
3. Each Party shall, within a reasonable period of time of receipt of a completed application for temporary entry, make a decision on the application and inform the applicant of the decision including, if approved, the period of stay and other conditions.
4. Any fees imposed by a Party in respect of the processing of an immigration formality shall be reasonable and in accordance with its laws and regulations.
5. Each Party shall consider providing facilities for online lodgement and processing of immigration formalities.

### **Article 10.6: Relation to Other Chapters**

1. Except for this Chapter, Chapter 1 (Initial Provisions, General Definitions and Interpretations), Chapter 18 (Consultations and Dispute Settlement), Chapter 20 (Final Provisions) and Article 7.10 (Transparency) of Chapter 7 (Cross-Border Trade in Services), 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**

A Party shall not have recourse to Chapter 18 (Consultations and Dispute Settlement) regarding a refusal to grant temporary entry pursuant to this Chapter unless:

- (a) the matter involves a pattern of practice; and
- (b) its natural persons affected have exhausted the remedies made available by the other Party regarding a particular matter.