

Chapter 9
Entry and Temporary Stay of Nationals for Business Purposes

Article 133
General Principles

1. This Chapter reflects the preferential trading relationship between the Parties, the mutual desire of the Parties to facilitate entry and temporary stay of nationals for business purposes on a reciprocal basis in accordance with Annex 8, the need to establish transparent criteria and procedures for entry and temporary stay, and the need to ensure border security and to protect the domestic labor force and permanent employment in either Party.

2. Each Party shall apply its measures relating to the provisions of this Chapter in accordance with paragraph 1, and, in particular, shall apply expeditiously those measures so as to avoid unduly impairing or delaying trade in goods or services, or conduct of investment activities under this Agreement.

Article 134
Scope of Application

1. This Chapter shall apply to measures affecting the entry and temporary stay of nationals of a Party who enter the other Party for business purposes. Nothing in this Chapter shall be construed to impose obligations with respect to other Chapters.

2. This Chapter shall not apply to measures regarding nationality or citizenship, or residence or employment on a permanent basis.

3. Nothing in this Chapter shall be construed to prevent a Party from applying measures to regulate the entry of nationals of the other Party into, or their temporary stay in, the former Party, 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 unduly impair or delay trade in goods or services, or conduct of investment activities under this Agreement.

Note: The sole fact of requiring a visa for natural persons of a certain nationality and not for those of others shall not be regarded as unduly impairing or delaying trade in goods or services, or conduct of investment activities under this Agreement.

Article 135 Definitions

For the purposes of this Chapter:

- (a) the term "entry and temporary stay" means entry into and stay in a Party by a national for business purposes of the other Party without the intent to establish permanent residence;
- (b) the term "immigration measures" means any measures affecting entry and temporary stay of nationals for business purposes;
- (c) the term "national" means a natural person who is a national of a Party under its laws; and
- (d) the term "national for business purposes" means a national of a Party who is engaged in the activities referred to in Annex 8.

Article 136 Grant of Entry and Temporary Stay

1. Each Party shall grant entry and temporary stay to nationals for business purposes of the other Party who comply with existing immigration measures applicable to entry and temporary stay in accordance with this Chapter including the provisions of Annex 8.

2. Each Party shall ensure that fees charged by its competent authorities on application for entry and temporary stay do not in themselves represent an unjustifiable impediment to the entry and temporary stay of nationals for business purposes of the other Party under this Chapter and are charged having regard to the administrative costs involved.

Article 137

Provision of Information and Facilitation of Procedure

Further to Article 5, and recognizing the importance to the Parties of transparency of information regarding entry and temporary stay, each Party shall:

- (a) provide to the other Party such materials as will enable that other Party to become acquainted with its measures relating to this Chapter;
- (b) no later than six months after the date of entry into force of this Agreement, prepare, publish and make available in the Parties, explanatory material in a consolidated document regarding the requirements for entry and temporary stay under this Chapter, including references to applicable laws and regulations, in such a manner that will enable nationals of the other Party to become acquainted with them;
- (c) to the extent possible, collect, maintain and, upon request by the other Party, make available to that other Party, in accordance with its laws and regulations, data respecting the granting of entry and temporary stay under this Chapter to nationals for business purposes of the other Party who have been issued immigration documentation; and
- (d) endeavor, to the maximum extent possible, to take measures to simplify the requirements, and to facilitate and expedite the procedures, relating to entry and temporary stay of nationals for business purposes of the other Party in accordance with its laws and regulations.

Article 138

Sub-Committee on Entry and Temporary Stay
of Nationals for Business Purposes

1. The Parties hereby establish a Sub-Committee on Entry and Temporary Stay of Nationals for Business Purposes (hereinafter referred to in this Article as "the Sub-Committee").

2. The functions of the Sub-Committee shall be:
 - (a) reviewing the implementation and operation of this Chapter;
 - (b) establishing the procedures to exchange information on measures that affect the entry and temporary stay of nationals for business purposes under this Chapter;
 - (c) considering the development of measures to further facilitate the entry and temporary stay of nationals for business purposes on a reciprocal basis;
 - (d) observing the issues established under Article 139; and
 - (e) other functions as assigned by the Commission.
3. The Sub-Committee shall hold meetings at least once every three years, and at such times and venues or by means, as may be agreed by the Parties.

Article 139
Cooperation

Taking into account the principles set out in Article 133, the Parties will:

- (a) exchange views regarding visa policy for the nationals for business purposes referred to in Annex 8;
- (b) exchange views on the implementation of programs and technology in the framework affecting the entry and temporary stay of nationals for business purposes under this Chapter, including those related to the use of biometric technology and advanced passenger information systems; and
- (c) endeavor to coordinate actively in multilateral fora, in order to promote the facilitation of the entry and temporary stay of nationals for business purposes under this Chapter.

Article 140
Dispute Settlement

1. A Party may not initiate the dispute settlement procedures provided for in Chapter 15 regarding a refusal to grant entry and temporary stay under this Chapter unless:

- (a) the matter involves a pattern of practice; and
- (b) the nationals for business purposes of the Party concerned have exhausted the administrative remedies, where available, regarding the particular matter.

2. The remedies referred to in subparagraph 1(b) shall be deemed to be exhausted if a final determination in the matter has not been issued by the competent authority of the other Party within one year after the date of the institution of the administrative remedy, and the failure to issue such determination is not attributable to delay caused by the nationals referred to in subparagraph 1(b).

Article 141
Immigration Measures

Nothing in this Agreement shall impose any obligation on either Party regarding its immigration measures, except as specifically identified in this Chapter and Chapters 1, 15 and 16.

Article 142
Transparency

1. Further to Article 5, each Party shall endeavor, to the extent possible, to respond to the inquiries from interested persons regarding applications and procedures relating to the entry and temporary stay of nationals for business purposes.

2. Each Party shall, within a reasonable period of time that should not exceed 20 working days after an application requesting entry visa is considered complete under its domestic laws and regulations, inform the applicant of the decision concerning the application. At the request of the applicant, the Party shall endeavor to provide, without undue delay, information concerning the status of the application.