

ANNEX 12A : TEMPORARY ENTRY FOR BUSINESS PERSONS

Section A – Business Visitors

1. Each Party shall grant temporary entry to a business person, without requiring that person to obtain an employment authorization, provided that the business person otherwise complies with immigration measures applicable to temporary entry, on presentation of:

- (a) proof of nationality of a Party;
- (b) documentation demonstrating that the business person will be so engaged and describing the purpose of entry; and
- (c) evidence demonstrating that the proposed business activity is international in scope and that the business person is not seeking to enter the local labor market.

2. Each Party may provide that a business person satisfy the requirements of paragraph 1(c) by demonstrating that:

- (a) the primary source of remuneration for the proposed business activity is outside the territory of the Party granting temporary entry; and
- (b) the business person's principal place of business and the actual place where the most part of profits are obtained remain outside such territory.

3. Neither Party may:

- (a) as a condition for temporary entry under paragraph 1, require prior approval procedures, petitions, labour certification tests, or other procedures of similar effect; or
- (b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

4. Notwithstanding paragraph 3, a Party may require the business person who requests a temporary entry under this Section to obtain a visa or an equivalent document, in accordance with its domestic laws.

Section B - Investors

5. Each Party shall grant temporary entry and provide confirming documentation to a business person seeking to establish, develop or administer an investment to which the business person or the business person's enterprise has committed, or is in the process of committing, a substantial amount of capital, in a capacity that is supervisory, executive,

or involves essential skills, provided that the business person otherwise complies with immigration measures applicable to temporary entry.

6. Neither Party may:

- (a) as a condition for temporary entry under paragraph 5, require labour certification tests or other procedures of similar effect; or
- (b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

7. Notwithstanding paragraph 6, a Party may require the business person who seeks a temporary entry under this Section to obtain, before the entry, a visa or an equivalent document, in accordance with its domestic laws.

Section C – Intra-Company Transferees

8. Each Party shall grant temporary entry and provide confirming documentation to a business person employed by an enterprise who seeks to render services to that enterprise or a subsidiary or an affiliate thereof, as a manager, an executive, specialist, provided that the business person otherwise complies with immigration measures applicable to temporary entry. A Party may require the business person to have been employed continuously by the enterprise for one year within the 3-year period immediately preceding the date of the application for admission.

9. Neither Party may impose or maintain any numerical restriction relating to temporary entry under paragraph 8.

10. Each Party may require labour contract approval or any other document authorizing employment to a business person by the relevant authority as a requirement for temporary entry.

11. For the purpose of this section it is understood that:

- (a) a manager – a business person within an organisation who primarily directs the organisation or a department or sub-division of the organisation, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorisation), and exercises discretionary authority over day-to-day operations. This does not include a first-line supervisor, unless the employees supervised are professionals, nor does this include an employee who primarily performs tasks necessary for the provision of the service or operation of an investment;

- (b) an executive – a business person within an organisation who primarily directs the management of the organisation, exercises wide latitude in decision-making, and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service or the operation of an investment; or
- (c) a specialist – a business person within an organisation who possesses knowledge at an advanced level of expertise or who possesses proprietary knowledge of the organisation’s service, research equipment, techniques, or management. (A specialist may include, but is not limited to, members of a licensed profession.)

12. For greater certainty, nothing in this section shall be construed in a sense that affects the labour legislation of each Party.

APPENDIX

For Peru

Category	Migratory Condition	Length of Stay
Business Visitor	“Negocios” (business)	Up to 90 days
Investor (in the process of committing an investment)	“Negocios” (business)	Up to 90 days
Investor	Independiente-inversionista (Investor)	Up to 1 year, renewable for consecutive periods, the number of times that it is requested, to the extent that the conditions which motivated its granting are maintained.
Intra-Company Transferees	Trabajador (Worker)	Up to 1 year, renewable for consecutive periods, the number of times that it is requested, to the extent that the conditions which motivated its granting are maintained.

For Singapore

1. Upon arrival, short-term business visitors will be granted a period of stay of up to thirty (30) days, and the period may be extended for a subsequent period of up to sixty (60) days, provided the conditions on which they are based remain in effect.
2. Entry for investors is for a period of up to two (2) years.
3. Entry for intra-corporate transferees is for an initial period of up to two (2) years, which may be extended for periods of up to three (3) years at a time for a total term not exceeding eight (8) years, provided the conditions on which they are based remain in effect.