Chapter 8
Movement of Natural Persons

Article 8.1
General Principles

1. This Chapter reflects the preferential trading relationship between the Parties, the desire of the Parties to facilitate entry and temporary stay of natural persons on a mutually beneficial basis and 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 each Party.

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

Article 8.2
Scope

1. This Chapter shall apply to measures affecting the entry and temporary stay of natural persons of a Party who enter the other Party and fall under one of the categories referred to in paragraph 1 of Article 8.4.

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 nationality or citizenship, or residence or employment on a permanent basis.

3. This Chapter shall not prevent a Party from applying measures to regulate the entry and temporary stay of natural persons of the other 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 nullify or impair the benefits accruing to the other Party under the terms of specific commitments set out in Annex 7.

Note: The sole fact of requiring a visa for natural persons of the other Party and not for those of certain non-Parties shall not be regarded as nullifying or impairing benefits under the terms of specific commitments set out in Annex 7.

Article 8.3
Definition

For the purposes of this Chapter, the term “natural person of a Party” means a natural person who resides in a Party or elsewhere and who under the law of the Party is a national of the Party.

Article 8.4
Specific Commitments

1. Each Party shall set out in Annex 7 the specific commitments it undertakes for:

(a) short-term business visitors of the other Party;

(b) intra-corporate transferees of the other Party;

(c) investors of the other Party;

(d) natural persons of the other Party who engage in professional services;

(e) natural persons of the other Party who engage in supplying services, which require technology or knowledge at an advanced level on the basis of a contract with public or private organizations in the former Party; and

(f) spouse and children accompanying those natural persons set out in subparagraphs (b) through (e).

2. Natural persons covered by the categories referred to in paragraph 1 shall be granted entry and temporary stay in accordance with the terms and conditions set out in Annex 7, provided that the natural persons comply with immigration laws and regulations applicable to entry and temporary stay which are not inconsistent with the provisions of this Chapter.