Article 5
Incorporation of Chapter 6 *bis*
(Movement of Natural Persons)
into the AJCEP Agreement

The following Chapter on Movement of Natural Persons shall be inserted into the AJCEP Agreement as Chapter 6 *bis*:

"Chapter 6 *bis*
Movement of Natural Persons

Article 50 *bis*.1
Objectives

The objectives of this Chapter are to:

(a) provide the rights and obligations in relation to the movement of natural persons between the Parties for the purposes of trade in services and investment;

(b) facilitate the movement of natural persons engaged in the conduct of trade and investment between the Parties; and

(c) establish streamlined and transparent procedures for applications for immigration formalities for the entry and temporary stay of natural persons to whom this Chapter applies.

Article 50 *bis*.2
Scope

1. This Chapter shall apply to measures affecting the movement of natural persons of a Party who enter the territory of another Party and who fall under one of the categories referred to in paragraph 1 of Article 50 *bis*.4.

2. This Chapter shall not apply to measures affecting natural persons of a Party seeking access to the employment market of another 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 another Party 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 a manner so as to nullify or impair the benefits accruing to another Party under the terms of the specific commitments.

Note: The sole fact of requiring a visa for natural persons of a certain nationality or citizenship and not for those of others shall not be regarded as nullifying or impairing benefits under the terms of specific commitments set out in Annex 9.

Article 50 *bis*.3
Definitions

For the purposes of this Chapter, the term:

(a) "natural person of another Party" means a natural person who resides in the territory of that other Party or elsewhere, and who under the law of that other Party:

(i) is a national of that other Party; or

(ii) has the right of permanent residence in that other Party, in the case of a Party which accords substantially the same treatment to its permanent residents as it does to its nationals in respect of measures affecting trade in services, as notified to all other Parties after the entry into force of the First Protocol, provided that no Party is obliged to accord to such permanent residents treatment more favourable than would be accorded by that other Party to such permanent residents. Such notification shall include the assurance to assume, with respect to the permanent residents, in accordance with its laws and regulations, the same responsibilities that other Party bears with respect to its nationals;