

Annex 12

Annex on Movement of Business Persons

Under Article 29 of the Agreement

Article 1 Definition

For purposes of this Annex, "business person" means a natural person residing in a Tripartite Member State who is engaged in trade in goods, the provision of services, or the conduct of investment activities and shall include business visitors, traders and investors, professionals and intra-company transferees.

Article 2 Business Visitors

1. Each Tripartite Member State shall grant temporary entry to a business visitor seeking to engage in a business activity, without requiring that person to obtain an employment authorization, or advance entry visa in the country of origin, provided that the business visitor otherwise complies with existing immigration measures applicable to entry by presentation of the following:
 - (a) proof of residence in a Tripartite Member State; and
 - (b) documentation demonstrating that the business visitor will be so engaged and describing the purpose of entry.
2. No Tripartite Member State may:
 - (a) as a pre - condition for entry under paragraph 1, require prior approval procedures, petitions, labor certification tests or other procedures of similar effect; or
 - (b) impose, or maintain any numerical restriction relating to entry.

Article 3 Traders and Investors

1. Each Tripartite Member State shall grant entry and provide confirmation of such entry to a business person seeking to:
 - (a) carry on substantial trade in goods, or services, principally between the territory of the Tripartite Member State of which the business person is a resident in the territory of the Tripartite Member State into which entry is sought; or
 - (b) establish, develop, administer, or provide advice, or key technical services to the operation of 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.

2. No Tripartite Member State may:
 - (a) as a pre - condition for entry under paragraph 1, 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.

Article 4 Intra-Company Transferees

1. Each Tripartite Member State shall grant entry, and provide confirmation of such entry, to a business person employed by an enterprise who seeks to render services to that enterprise, or a subsidiary, or affiliate in a capacity that is managerial, executive, or involves specialized knowledge.
2. No Tripartite Member State may:
 - (a) as a pre - condition for entry under paragraph 1, require labor certification tests or other procedures of similar effect; or
 - (b) impose or maintain any numerical restriction relating to entry under paragraph 1.

Article 5 Professionals

1. Each Tripartite Member State shall grant temporary entry and provide confirmation of such entry to a business person seeking to engage in a business activity at a professional level, if the business person otherwise complies with existing immigration measures applicable to entry on presentation of the following:
 - (a) proof of residence in a Tripartite Member State; and
 - (b) documentation demonstrating that the business person will be so engaged and describing the purpose of entry.
2. No Tripartite Member State may:
 - (a) as a pre - condition for entry under paragraph 1, require prior approval procedures, petitions, labor certification tests or other procedures of similar effect; or
 - (b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

Article 6 Numerical Limits

A Tripartite Member State shall not establish any annual numerical limits, regarding entry of business persons of another Tripartite Member State seeking to engage in business activities.

Article 7
Sub-Committee on Movement of Business Persons

1. A Sub-Committee on the Movement of Business Persons is hereby established to oversee the implementation of this Annex.
2. The Sub-Committee shall develop regulations to facilitate the implementation of this Annex.