

ANNEX 10-A

SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

Schedule of Australia

The following sets out Australia's commitments in accordance with Article 10.3 (Grant of Temporary Entry) in respect of the movement of natural persons.

Description of Category	Conditions and Limitations (including length of stay)
A. Business Visitors	
<p><u>Definition:</u></p> <p>Business Visitors comprise natural persons of Hong Kong, China who are:</p> <p>(a) seeking to travel to Australia for business purposes, including for investment purposes, whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia and who must not engage in making direct sales to the general public or in supplying goods or services themselves; or</p> <p>(b) service sellers, being natural persons who are not based in Australia and whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia, and who are sales representatives of a service supplying enterprise, seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier.</p>	<p>(a) Entry is for periods of stay up to a maximum of three months.</p> <p>(b) Entry is for an initial stay of six months and up to a maximum of 12 months.</p>

Description of Category	Conditions and Limitations (including length of stay)
B. Intra-Corporate Transferees	
<p><u>Definition:</u></p> <p>Intra-Corporate Transferees comprise natural persons of Hong Kong, China who are:</p> <p>(a) employed by an enterprise of Hong Kong, China, which is established in Australia through a branch, subsidiary or affiliate that lawfully and actively operates in Australia, and are transferred to fill a position in the branch, subsidiary or affiliate of that enterprise in Australia; or</p> <p>(b) employed by an enterprise of Australia, which is established in Hong Kong, China through a branch, subsidiary or affiliate, and are transferred to fill a position in that enterprise in Australia;</p> <p>and who are:</p> <p>(i) executives or senior managers, who are responsible for the entire or a substantial part of the operations of the enterprise in Australia, receiving general supervision or direction principally from higher-level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department</p>	<p>Entry and temporary stay of intra-corporate transferees is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force of this Agreement, the address of that website was www.homeaffairs.gov.au).</p> <p>Employer sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>(i) Entry for executives and senior managers is for a period of stay up to four years, with the possibility of further stay.</p>

or subdivision of the enterprise; or

- (ii) specialists, with advanced trade, technical or professional skills and experience; with knowledge of a proprietary nature of the enterprise's operations; who are assessed as having the necessary qualifications or alternative credentials accepted as meeting Australia's domestic standards for the relevant occupation; and who must have been employed by the employer for not less than two years immediately preceding the date of the application for temporary entry.

- (ii) Entry for specialists is for a period of stay up to two years, with the possibility of further stay.

Description of Category	Conditions and Limitations (including length of stay)
C. Independent Executives	
<p><u>Definition:</u></p> <p>Independent Executives comprise natural persons of Hong Kong, China whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in Australia of a new branch or subsidiary of an enterprise which has its head of operations in the Area of Hong Kong, China and which has no other representative, branch or subsidiary in Australia. Independent Executives will be responsible for the entire or a substantial part of the enterprise's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p>	<p>Entry and temporary stay of independent executives is subject to employer sponsorship. Full details of employer sponsorship requirements, including the list of eligible occupations for sponsorship, are available on the website of the Australian Government department responsible for immigration matters (as at entry into force of this Agreement, the address of that website was www.homeaffairs.gov.au).</p> <p>Employer sponsorship requirements, including eligible occupations, may change from time to time.</p> <p>Entry for independent executives is for periods of stay up to a maximum of two years.</p>

Description of Category	Conditions and Limitations (including length of stay)
D. Spouses and Dependents	
<p>For a natural person of Hong Kong, China, covered by categories B or C, who has been granted the right of entry and temporary stay under this Chapter for a period of longer than 12 months and who has a spouse or dependant, Australia shall, upon application and in accordance with Australia's laws and regulations, grant the accompanying spouse or dependant the right of entry and temporary stay, and work for an equal period to that of the natural person.</p>	