



PERU-AUSTRALIA

FREE TRADE AGREEMENT

OUTCOMES: TEMPORARY ENTRY FOR BUSINESS PERSONS

The Peru-Australia Free Trade Agreement (PAFTA) contains commitments on the temporary movement of skilled professionals between Australia and Peru. We have designed these commitments, which are broadly reciprocal, to support greater trade and investment opportunities between the two countries. The ability for business people and skilled professionals to move across borders is an integral feature of modern business and a crucial contributor to the growth of commercial relationships.

Australian citizens and permanent residents who are seeking to temporarily stay in Peru for the primary purpose of engaging in trade in goods, the supply of services or the conduct of investment under the following categories will benefit from enhanced certainty on entry and length of stay:

- intra-corporate transferees;
- contractual service suppliers, including professionals and technicians;
- investors and independent executives;
- installers and servicers of machinery and equipment; and
- short-term business visitors.

Australia has offered temporary entry commitments to similar categories of Peruvian business people and skilled professionals. These commitments are consistent with Australia's existing immigration and workplace relations frameworks.

Australia's commitments for intra-corporate transferees, contractual service suppliers and independent executives will be implemented through the 457 visa program and, from March 2018, its replacement, the Temporary Skills Shortage visa. These visas allow skilled workers to come to Australia and work for an approved business. Businesses will still need to sponsor the temporary entry of skilled Peruvian workers, meet market salary rates and offer employment conditions as required under Australian workplace law, and equivalent to those accorded to Australian workers performing similar duties in the workplace. Skilled Peruvian workers will be required to meet minimum qualification requirements, including any relevant skills testing and existing professional licensing requirements at the Federal, State and Territory Government level. Australian businesses seeking to hire a Peruvian contractual service supplier will be required to show evidence of labour market testing.

Australia's commitments on installers and servicers and short-term business visitors will be implemented through Australia's existing immigration frameworks.

KEY OUTCOMES

Intra-corporate transferees

Australian intra-corporate transferees, or skilled professionals transferring to their company's operations in Peru, will benefit from a guaranteed initial length of stay in Peru of one year, without being subject to any labour market testing requirement. Australian intra-corporate transferees may extend their stay in Peru for as long as they have a valid work contract.

In return, suitably qualified intra-corporate transferees from Peru will be able to stay in Australia initially:

- for up to four years if they are executives and senior managers; and
- up to two years if they are specialists.

Contractual service suppliers, including independent professionals and technicians

Most Australian professionals with specialist trade, professional and technical knowledge will benefit from guaranteed initial length of stay in Peru of one year. Australian professionals may extend their stay in Peru for as long as they have a valid work contract. Short-term contractual service suppliers and technicians will benefit from an initial length of stay in Peru of 90 days, renewable up to one year. Peruvian companies seeking to hire Australian professionals, contractual service suppliers or technicians will not be subject to any quotas or labour market testing requirement.

In return, Australia will offer contractual service suppliers from Peru the ability to stay for an initial period of up to two years. These commitments cover highly skilled professionals and technicians working in Australia on a temporary contract basis.

Investors and independent executives

Australian investors and independent executives will benefit from guaranteed initial length of stay in Peru of one year, with the possibility of consecutive renewals, without being subject to quotas or labour market testing requirements.

Australia will offer Peruvian investors and independent executives the ability to stay for up to two years.

Installers and servicers (after-sales, after-lease services)

Australians offering services relating to installation and servicing of machinery or equipment will benefit from Peru's commitment to allow them to stay for an initial period of three months, renewable for one year, without being subject to any quotas or labour market testing requirements.

In return, Australia will allow, consistent with Australia's existing immigration framework, suitably qualified Peruvian installers and servicers of machinery and equipment, pursuant to a warranty or contract, to stay for up to three months.

Short-term business visitors

Australian business persons who wish to stay in Peru for a short period of time to pursue business opportunities, including to attend a conference, trade fair or meetings, explore investment opportunities or engage in negotiations, will be allowed to stay in Peru for up to 183 days.

In return, Australia is offering commitments for Peruvian business visitors and service sellers:

- to stay for up to three months, if they are business visitors; and
- to stay for an initial period of up to six months and up to a maximum of 12 months, if they are service sellers.

Spouses and dependants

Recognising the importance of certainty for the spouses a business person, Peru has committed to allow spouses of Australian intra-corporate transferees and investors to stay in Peru for as long as the Australian business person.

Australia has offered entry and work rights to spouses and dependants of Peruvian business persons, consistent with our existing immigration frameworks.

