

TRANS-PACIFIC PARTNERSHIP AGREEMENT

CHAPTER SUMMARY: TEMPORARY ENTRY OF BUSINESS PERSONS

The Temporary Entry for Business Persons Chapter facilitates the entry and temporary stay of nationals and permanent residents to facilitate the pursuit of business or investment opportunities.

The Chapter provides the flexibility for TPP Parties to set out their commitments in relation to categories of business persons eligible to apply for temporary entry and conditions of that entry, including length of stay, whether entry will be subject to a quota or economic needs test, and whether spouses and families can accompany a business person.

The Chapter will facilitate Australian business persons to temporarily stay in TPP countries for sufficient periods to pursue trade and investment opportunities, oversee the management of their business, and take advantage of opportunities to work in an overseas branch of their company. The increased movement of business persons between TPP Parties will support stronger and more diverse trade and investment relationships between TPP Parties.

MORE INFORMATION ON THE CHAPTER

The Chapter applies to measures regulating the temporary entry of business persons into a TPP Party.

The Chapter does not create any obligations in relation to citizenship, nationality, residence or employment on a permanent basis. The Chapter recognizes the right of a TPP Party to regulate the entry of natural persons from another Party into its territory.

Application procedures

The Chapter requires TPP Parties to ensure that:

- applications for a visa or other permit allowing a person to temporarily enter a TPP Party are processed as expeditiously as possible;
- on request, a Party that has received a completed visa or other permit, is encouraged to provide information on the status of an application; and
- fees charged for the processing of a visa must be reasonable and should not unnecessarily delay trade in goods and services or conduct of investment activities.

Temporary entry

The Chapter allows TPP Parties to make specific commitments guaranteeing access for categories of business persons who, provided they fulfil visa eligibility requirements, will be permitted to enter and temporarily stay in a TPP country to undertake activities such as:

- attending meetings, conferences and trade fairs;



- setting up a business or an investment;
- working in an overseas branch of their office; or
- providing services under a contract they have negotiated, such as installing or maintaining specialised machinery and equipment.

Business travel and provision of information

The Chapter affirms commitments TPP Parties have made in the context of APEC to enhance the mobility of business persons, including their support for the APEC Business Travel Card Program, which provides for multiple short-term visits and faster visa processing for business people in 19 of 21 APEC economies.

The Chapter requires TPP Parties to make publicly available information on requirements for temporary entry, the typical timeframe within which applications are processed and maintain appropriate arrangements to respond to enquiries from interested persons regarding temporary entry measures.

Cooperation

The Chapter mandates the establishment of the Committee on Temporary Entry for Business Persons, comprising government representatives from each TPP Party. Roles for the Committee include reviewing implementation of the Chapter and considering opportunities to liberalise temporary entry arrangements for business persons.

The Chapter specifies that no TPP Party shall have recourse to the dispute settlement procedures, unless the matter involves a pattern of practice and the business persons affected have exhausted all available administrative remedies.

The Chapter encourages cooperation between TPP Parties on issues relating to visa processing and border security.