

ANNEX 12.04 TEMPORARY ENTRY FOR BUSINESS PERSONS

Section A - Business Visitors

1. Each Party shall grant temporary entry and expedite document verification to a business person seeking to engage in a business activity set out in Appendix 12.04(A)(1), without other requirements than those established by the existing immigration measures applicable to temporary entry, on presentation of:
 - a) Proof of nationality of a Party;
 - b) Documentation demonstrating the international character of the business activity the business person intends to realize and that the business person is not seeking to enter the local labor market.
2. Each Party shall consider that a business person satisfies the requirements of paragraph 1(b) by demonstrating that:
 - a) The primary source of remuneration for the proposed business activity is outside the territory of the Party granting temporary entry; and
 - b) The business person's principal place of business and the actual place of accrual of most of the profits remain outside such territory.

For purpose of this paragraph, a Party that authorizes temporary entry shall normally accept a declaration as to the principal place of business and the actual place of accrual of profits. Where the Party requires further proof, it should be conducted according to its law.

3. Each Party shall grant temporary entry to a business person seeking to engage in a business activity other than those set out in Appendix 12.04(A)(1), on a basis no less favorable than that provided under the existing provisions of the measures set out in Appendix 12.04(A)(2).
4. No Party may:
 - a) as a condition for temporary entry under paragraph 1 or 3, 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 in accordance with paragraph 1 or 3.
5. Notwithstanding paragraph 4, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. The Parties shall consider removing their visa or equivalent document requirement.

Section B - Traders and Investors

1. Each Party shall grant temporary entry and provide documentation verification to a business person, who in a capacity that is supervisory, managerial, executive or requiring specialized knowledge, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry, and seeks to:

- a) carry on substantial trade in goods or services principally between the territory of the Party of which the business person is a national and the territory of the other Party 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,
2. No Party may:
 - a) As a condition for authorizing temporary entry under paragraph 1, require labor certification tests or other procedures of similar effect; or
 - b) Impose or maintain any numerical restriction relating to temporary entry in accordance with paragraph 1.
 3. Notwithstanding paragraph 2, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. The Parties shall consider avoiding or removing their visa or equivalent document requirement.

Section C - Intra-corporate Transferees

1. Each Party shall grant temporary entry and provide confirming documentation to a business person employed by an enterprise who seeks to render management, executive or functions requiring specialized knowledge to that enterprise or a subsidiary or affiliate thereof, provided that the business person otherwise complies with effective immigration measures applicable to temporary entry. A Party may require the person to have been employed continuously by the enterprise for 1 year immediately preceding the date of the application for admission.
2. No Party may:
 - a) as a condition for temporary entry under paragraph 1, require labor certification tests or other procedures of similar effect; or
 - b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.
3. Notwithstanding paragraph 2, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. The Parties shall consider avoiding or removing their visa or equivalent document requirement.