

CHAPTER IV TEMPORARY MOVEMENT OF NATURAL PERSONS

Article 4.1 Definitions

For the purposes of this Chapter:

“application” means the completed application and the package of documents attached to it in accordance with the legislation of the Party;

“immigration formality” means a visa, permit⁵⁰, pass, or electronic authority, granting temporary entry and stay⁵¹, if envisaged by the national legislation of a Party;

“natural person of the other Party” means a natural person of that other Party in accordance with the relevant legislation; and

“temporary entry” means entry by a natural person of a Party as covered by this Chapter without the intent to establish permanent residence.

Article 4.2 Scope

1. This Chapter shall apply, as set out in each Party's Schedule in Annex III (Schedule of Specific Commitments for the Temporary Movement of Natural Persons), to measures of that Party affecting temporary entry and temporary stay of natural persons of the other Party into the territory of the Party where such persons are engaged in the supply of services, or the conduct of investment. Such persons shall include one or more of the following:

- (a) business visitors;
- (b) intra-corporate transferees; or

⁵⁰ For the Republic of Belarus, permit only means work permit or permit for temporary stay.

⁵¹ For the purposes of this Agreement, under the temporary stay in the Republic of Belarus of a natural person of the other Party means registration in the competent authorities of the Republic of Belarus (for a period of up to 90 days in calendar year), or obtaining a temporary residence permit (for up to one year), depending on the purposes of entry of the natural persons.

- (c) other categories as may be specified in each Party's Schedule in Annex III (Schedules of Specific Commitments on Temporary Movement of Natural Persons).

2. The provisions of this Chapter provide the transparency and procedural disciplines related to temporary entry and temporary stay of natural persons of a Party, specified in the Party's Schedule in Annex III (Schedule of Specific Commitments on Temporary Movement of Natural Persons), and do not include any obligations of a Party to guarantee temporary entry and temporary stay for categories of natural persons of the other Party, except for cases provided for in Article 4.3 (Grant of Temporary Entry and Temporary Stay).

3. This Agreement shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

4. The Agreement shall not prevent a Party from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under this chapter.

5. The sole fact that a Party requires natural persons of the other Party to obtain an immigration formality shall not be regarded as nullifying or impairing the benefits accruing to any Party under this Chapter.

Article 4.3 Grant of Temporary Entry and Temporary Stay

1. Each Party shall, in accordance with its Schedule in Annex III (Schedules of Specific Commitments on Temporary Movement of Natural Persons), grant temporary entry or temporary stay for the period in accordance with this Chapter to natural persons of the other Party, provided that those natural persons:

- (a) follow application procedures prescribed by national legislation for the immigration formality sought; and
- (b) meet all relevant eligibility requirements for granting temporary entry or temporary stay for the period, set in the Schedule of Specific commitments in Annex I and Annex III (Schedules of Specific Commitments on Temporary Movement of Natural Persons).

2. In accordance with its laws and regulations, any fees imposed by a Party in respect of the processing of an immigration formality shall be reasonable and determined with regards to administrative costs involved⁵² in that they do not, in themselves, represent an unjustifiable impediment to the movement of natural persons of the other Party under this Chapter.

3. A Party may deny temporary entry or temporary stay for the period, set in its Schedule in Annex III (Schedules of Specific Commitments on Temporary Movement of Natural Persons) to any natural person of the other Party who does not comply with subparagraph (a) or (b) of paragraph 1 of this Article⁵³.

4. The sole fact that a Party grants temporary entry to a natural person of the other Party pursuant to this Chapter shall not be construed to exempt that natural person from meeting any applicable licensing or other requirements, including any mandatory codes of conduct, to practice a profession or otherwise engage in business activities.

Article 4.4 Schedules of Specific Commitments on Temporary Movement of Natural Persons

Each Party shall set out in its Schedule in Annex III (Schedules of Specific Commitments on Temporary Movement of Natural Persons) its commitments for the temporary entry into and temporary stay in

⁵² Not applied to visas and pass.

⁵³ For greater certainty, the Parties may deny temporary entry or temporary stay for the period, set in the Schedule of Specific commitments in Annex to any natural person of the other Party with other reasons not specified in subparagraph (a) or (b) of paragraph 1 of this Article but provided by the national legislation of the Party.

its territory of natural persons of the other Party covered by Article 4.2 (Scope). These Schedules shall specify the conditions and limitations governing those commitments, including the length of stay, for each category of natural persons included therein⁵⁴.

Article 4.5 Transparency

1. For the purposes of this Chapter, each Party shall ensure that its competent authorities make publicly available the information necessary to apply for granting of temporary entry and temporary stay in its territory. Such information shall be made electronically available and kept updated.

2. Information referred to in paragraph 1 of this Article shall include, *inter alia*:

- (a) categories of immigration formalities;
- (b) documentation and evidence required and conditions to be met;
- (c) method of filing and options on where to file, such as consular offices or online;
- (d) processing time;
- (e) application fees;
- (f) period of validity of immigration formalities;
- (g) conditions for renewals or extension in accordance with national legislation of a Party;
- (h) available review and/or appeal procedures;
- (i) reference to relevant laws of general application; and
- (j) relevant requirements referred to in Article 4.5

⁵⁴ For the purposes of this Article, conditions and limitations include any economic needs testing requirement, which no Party may impose unless specified in its Schedule in Annex X (Schedules of Specific Commitments on Temporary Movement of Natural Persons).

(Transparency).

3. Each Party shall provide the other Party with details of relevant publications or websites where information referred to in paragraph 2 of this Article is made available.

Article 4.6 Requirements and Procedures Related to Temporary Entry and Temporary Stay

1. Documents required for processing an application for temporary entry and temporary stay of natural persons shall be relevant.

2. After the submission of an application is considered completed in accordance with the laws and regulations of that Party, competent authorities of that Party shall process the application within the time limits established by its laws and regulations. The competent authorities of each Party shall notify the applicant of the outcome of the application promptly after the decision has been taken. The notification shall include, if applicable, the period of stay and any other terms and conditions.

3. Upon the applicant's request, the competent authorities of the Party concerned shall, without undue delay and to the extent possible, provide information concerning the status of the applicant's application. This information shall normally be provided free of charge.

4. In case of incomplete application, the authority shall notify the applicant about the missing information and provide the applicant an opportunity to submit a new application.

This paragraph does not apply to visa applications.

5. If a Party requires separate applications for temporary entry and temporary stay, it shall ensure that the respective time periods for temporary entry and temporary stay, if granted, are compatible.

6. Applicants shall be given the opportunity to apply for renewal or extension in accordance with national legislation of a Party, which shall be granted under the terms of the Party's Schedule in Annex III (Schedule of Specific Commitments for the Temporary Movement

of Natural Persons).

7. Each Party shall ensure that the procedures for application for the renewal or extension in accordance with national legislation of a Party are pre-established and are clearly specified.

Article 4.7 Spouses and Dependents

Each Party may grant the right of temporary entry and temporary stay to spouses and dependents of the natural persons of the other Party, specified in the Party's Schedule in Annex III (Schedule of Specific Commitments for the Temporary Movement of Natural Persons), in accordance with the legislation of the Party.

Article 4.8 Cooperation

The Parties may discuss mutually agreed areas of cooperation to further facilitate temporary entry and temporary stay of natural persons of the other Parties, which shall take into consideration areas proposed by the Parties during the course of negotiations or other areas as may be identified by the Parties.

Article 4.9 Dispute Settlement

1. Parties shall endeavour to settle any differences arising out of the implementation of this Chapter through consultations.
2. No Party shall have recourse to dispute settlement under Chapter IX (Dispute Settlement) regarding a refusal to grant temporary entry and temporary stay.