

## CHAPTER 11

### MOVEMENT OF NATURAL PERSONS

#### ARTICLE 11.1

##### Scope

1. This Chapter applies to measures affecting the temporary entry and stay of natural persons of a State Party into the territory of another State Party under any of the categories referred to in the latter-mentioned State Party's Appendix in Annex 11-A (Schedules of Commitments on Movement of Natural Persons).
2. This Chapter shall not apply to measures affecting natural persons of a State Party seeking access to the employment market of another State Party, nor shall it apply to measures regarding citizenship, nationality, permanent residence, or employment on a permanent basis.
3. The sole fact of requiring a visa for natural persons shall not be regarded as nullifying or impairing the provisions of this Agreement.
4. Nothing in this Agreement shall be construed to prevent a State Party from applying measures to regulate the entry of natural persons of another State Party into, or their temporary stay in its territory, including those measures necessary to protect the integrity of its borders, 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 another State Party under this Chapter.

#### ARTICLE 11.2

##### Definitions

For the purposes of this Chapter:

- (a) "natural person" means a natural person of a State Party as defined in subparagraph (e) of Article 10.2 of Chapter 10 (Trade in Services);
- (b) "temporary entry and stay" means entry and stay by a natural person of a State Party as covered by this Chapter without the intent to establish permanent residence; and
- (c) "immigration formality" means a visa, permit, pass or electronic authorisation or other document granting temporary entry and stay.

## ARTICLE 11.3

### General principles

This Chapter reflects the common objective to facilitate the temporary entry and stay of natural persons in accordance with the State Parties' commitments in their respective Appendices in Annex 11-A (Schedules of Commitments on Movement of Natural Persons), and the need to establish transparent information on and procedures for the temporary entry and stay.

## ARTICLE 11.4

### Grant of temporary entry and stay

1. Each State Party shall grant temporary entry and stay to natural persons who comply with measures applicable to temporary entry and stay and other related measures, such as those related to public health and safety and national security, in accordance with this Chapter, to the extent provided for in that State Party's commitments in its Appendix in Annex 11-A (Schedules of Commitments on Movement of Natural Persons).
2. Each State Party shall set out in its Appendix in Annex 11-A (Schedules of Commitments on Movement of Natural Persons) the commitments it makes with regard to temporary entry and stay of natural persons which shall specify the conditions and limitations for temporary entry and stay, including the length of stay, for each category of persons specified by that State Party.

3. For greater certainty, nothing in this Chapter shall prevent a State Party or its relevant professional bodies from adopting or maintaining any applicable licensing or other requirements.

4. The sole fact that a State Party grants temporary entry and stay to a natural person of another State 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 practise a profession or otherwise engage in business activities.

## ARTICLE 11.5

### Application procedures

1. The competent authorities of each State Party shall, as expeditiously as possible, process applications for an immigration formality of natural persons of another State Party, including applications for extensions thereof.

2. Upon request by an applicant, the competent authorities of a State Party shall provide, without undue delay, information concerning the status of the application.

3. The competent authorities of each State Party shall notify the applicant of the outcome of the application after a decision has been taken. The notification shall include, if applicable, the period of stay and any other terms and conditions.

4. The State Parties shall endeavour to accept and process applications in electronic format.

## ARTICLE 11.6

### Provision of information

1. Recognising the importance of the transparency of information pertaining to the temporary entry and stay of natural persons, each State Party shall make publicly available information necessary for an effective application for the granting of temporary entry and stay in its territory. Such information shall be kept updated.

2. The information referred to in paragraph 1 shall include, in particular, a description of:
  - (a) categories of immigration formalities relevant to the temporary entry and stay of natural persons covered by this Chapter;
  - (b) requirements and procedures for application for, and issuance of, temporary entry and stay, including information on documentation required, conditions to be met and method of filing; and
  - (c) requirements and procedures for application for, and issuance of, renewed temporary stay.
3. Each State Party shall provide the other State Parties with details of relevant publications or websites where information referred to in paragraph 2 is made available.

#### ARTICLE 11.7

##### Dispute Settlement

1. A State Party may not initiate proceedings under Chapter 18 (Dispute Settlement) regarding a refusal to grant temporary entry and stay of natural persons under this Chapter unless:
  - (a) the matter involves a pattern of practice; and
  - (b) the natural persons affected have exhausted all available administrative remedies regarding the refusal of temporary entry and stay.
2. The remedies referred to in subparagraph (b) of paragraph 1 shall be deemed to be exhausted if a final determination in the matter has not been issued by the competent authority within 1 (one) year of the date of the institution of an administrative proceedings for the remedy, including any proceedings for review or appeal, and the failure to issue such a determination is not attributable to delays caused by the natural persons concerned.

## ARTICLE 11.8

### Contact points

1. Each State Party shall establish contact points to facilitate access for natural persons of another State Party to the information referred to in Article 11.6 (Provision of information). The contact points are:

- (a) for Singapore, the Ministry of Trade and Industry;
- (b) for Argentina, el Ministerio de Relaciones Exteriores, Comercio Internacional y Culto (the Ministry of Foreign Affairs, International Trade and Worship);
- (c) for Brazil, o Ministério das Relações Exteriores (the Ministry of Foreign Affairs);
- (d) for Paraguay, el Ministerio de Relaciones Exteriores (the Ministry of Foreign Affairs); and
- (e) for Uruguay, el Ministerio de Relaciones Exteriores (the Ministry of Foreign Affairs).

2. The contact points shall meet as necessary to exchange information as described in Article 11.6 (Provision of information) and to consider matters pertaining to this Chapter, such as the implementation and administration of this Chapter.

## ARTICLE 11.9

### Relation to other Chapters

1. Nothing in this Agreement shall impose any obligation on a State Party regarding its immigration measures, except as provided in this Chapter and Chapter 1 (Initial Provisions and Definitions), Chapter 18 (Dispute Settlement) and Chapter 19 (Institutional, General and Final Provisions).

2. Nothing in this Chapter shall be construed to impose obligations or commitments with respect to other Chapters of this Agreement.