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Temporary Entry Annex Categories: Australia's Experience

Submitted by: Australia



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**Capacity Building Workshop on Negotiations of
Services Chapters Under Free Trade Agreements
with a Negative List Approach**

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TE/MNP Annex categories and examples

- **Intra-Corporate Transferees:** A bank sending a senior manager or specialist to work in a branch of that same bank in another Economy.
- **Contractual Service Suppliers:** A specialised employee of an IT company in Australia whose company who is contracted to provide services to a Korean company and who is sent to Korea to provide that service.
- **Independent Professionals:** An accountant who obtains a personal contract (i.e. not through a company) to work for a Korean firm.
- **Investors/Independent Executives:** An entrepreneur or senior manager who wants establish an new firm or subsidiary of a firm in another Economy.

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TE/MNP Annex categories and examples

- **Business Visitors:** A representative from a biotech firm wants to travel to Australia to scope out business possibilities, or attend a conference.
- **Spouses and Dependants:** Recognising the importance of certainty for the spouses and dependants of businesspeople, Economies can offer specific commitments:
 - allowing spouses and dependants to accompany businesspeople
 - extending work rights to those spouses and dependants.
- The period of stay offered to a spouse and/or dependants is usually the equivalent of the length of stay of the business person.

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Scheduling Spouses and Dependents

- In the TPP, Australia scheduled its commitments on spouses and dependents as a subset of categories of business persons:

Description of Category	Conditions and Limitations (including length of stay)
<p>C. Intra-Corporate Transferees</p> <p>Australia extends its commitments under this category to each Party that has made commitments under the heading of “Intra-Corporate Transferees”.</p> <p>In accordance with, and subject to, Australia’s laws and regulations, Australia shall, upon application, grant the right of temporary entry, movement and work to the accompanying spouse or dependants of a business person that is granted temporary entry or an extension of temporary stay under these commitments.</p>	

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Scheduling Spouses and Dependents

- It was done this way because the grant of temporary entry article in the TPP is framed in terms of “business persons”.
- In other FTAs, in which the grant of temporary entry article is framed in terms of “natural persons” commitments on spouses and dependents have been listed as a separate category.