

## ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)

### SCHEDULE OF AUSTRALIA

1. The following Schedule sets out Australia's commitments in accordance with Article 4 (Grant of Temporary Entry) of Chapter 8 (Movement of Natural Persons) in respect of the temporary entry of natural persons.

Description of Category	Sector or Sub-Sector	Conditions and Limitations (Including Length of Stay)
<p><u>(A) Intra-Corporate Transferees</u></p> <p>(a) Executives and senior managers being natural persons who are employees of an enterprise of another Party operating lawfully and actively in Australia, and who will be responsible for the entire or a substantial part of the enterprise's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p>	<p>All sectors<sup>1</sup></p>	<p>Entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including the list of eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including the list of eligible occupations, are available on the website of the Australian Government department responsible for immigration matters: <a href="http://www.border.gov.au">www.border.gov.au</a>.</p> <p>Entry is for an initial period of stay of up to four years, with the possibility of further</p>

<sup>1</sup> In relation to maritime cargo handling services, there is an additional requirement for shore labour to undertake loading and unloading of ships under the *Navigation Act 1912* (Cth).

Description of Category	Sector or Sub-Sector	Conditions and Limitations (Including Length of Stay)
<p>(b) Specialists being natural persons with advanced trade, technical or professional skills and are employees of an enterprise of another Party operating lawfully and actively in Australia, and who have been employed by that employer for not less than two years immediately preceding the date of the application for temporary entry.</p> <p>A specialist may include, but is not limited to, members of a licensed profession.</p>		<p>stay.</p> <p>Entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements including the list of eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including the list of eligible occupations, are available on the website of the Australian Government department responsible for immigration matters: <a href="http://www.border.gov.au">www.border.gov.au</a>.</p> <p>Entry is for periods of stay up to two years, with the possibility of further stay.</p>
<p><u>(B) Independent Executives</u></p> <p>Independent executives being natural persons whose work responsibilities match the description set out below and who intend, or are responsible for, the establishment in Australia, of a new branch or</p>	<p>All sectors<sup>2</sup></p>	<p>Entry and temporary stay of such natural persons is subject to employer sponsorship.</p> <p>Employer sponsorship requirements, including the list of eligible occupations, may change from time to time. Full details</p>

<sup>2</sup> In relation to maritime cargo handling services, there is an additional requirement for shore labour to undertake loading and unloading of ships under the *Navigation Act 1912* (Cth).

Description of Category	Sector or Sub-Sector	Conditions and Limitations (Including Length of Stay)
<p>subsidiary of an enterprise which has its head of operations in the territory of another Party and which has no other representative, branch or subsidiary in Australia. Independent executives will be responsible for the entire or a substantial part of the enterprise's operations in Australia, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the enterprise, including directing the enterprise or a department or subdivision of it; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the department or subdivision of the enterprise.</p>		<p>of employer sponsorship requirements, including the list of eligible occupations, are available on the website of the Australian Government department responsible for immigration matters: <a href="http://www.border.gov.au">www.border.gov.au</a>.</p> <p>Entry is for periods of stay up to a maximum of two years.</p>
<p><u>(C) Business Visitors</u></p> <p>Business visitors being natural persons seeking to travel to Australia for business purposes whose remuneration and financial support for the duration of the visit must be derived from sources outside Australia and who must not engage in making direct sales to the general public or in supplying the services themselves. Business visitors comprise:</p>	<p>All sectors<sup>3</sup></p>	

<sup>3</sup> In relation to maritime cargo handling services, there is an additional requirement for shore labour to undertake loading and unloading of ships under the *Navigation Act 1912* (Cth).

Description of Category	Sector or Sub-Sector	Conditions and Limitations (Including Length of Stay)
(a) Service sellers, as business visitors being natural persons not based in Australia who are (sales) representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier.		Entry is for an initial stay of six months and up to a maximum of twelve months.
(b) Business visitors, being natural persons seeking to travel to Australia for the purpose of participating in business negotiations or meetings.		Entry is for periods of stay up to a maximum of three months.
(c) Business visitors, being natural persons who are seeking to travel to Australia for business purposes, including investment purposes.		Entry is for periods of stay up to a maximum of three months.
(d) Business visitors, being natural persons of a Party who are seeking entry for the purposes of negotiating the sale of goods where such negotiations do not involve direct sales to the general public.		Entry is for periods of stay up to a maximum of three months.
<u>(D) Contractual Service Suppliers</u>  Contractual service suppliers (including independent	All sectors <sup>4</sup>	Entry and temporary stay of such natural persons is subject to employer sponsorship.

<sup>4</sup> In relation to maritime cargo handling services, there is an additional requirement for shore labour to undertake loading and unloading of ships under the *Navigation Act 1912* (Cth).

<b>Description of Category</b>	<b>Sector or Sub-Sector</b>	<b>Conditions and Limitations (Including Length of Stay)</b>
<p>professionals/ specialists).</p> <p>Contractual service suppliers (CSS) being natural persons with trade, technical or professional skills and experience who are assessed as having the necessary qualifications, skills and work experience accepted as meeting the domestic standard in Australia for their nominated occupation, and who are:</p> <p>(a) employees of an enterprise of a Party that has concluded a contract for the supply of a service within Australia and that does not have a commercial presence within Australia; or</p> <p>(b) engaged by an enterprise lawfully and actively operating in Australia in order to supply a service under a contract within Australia.</p>		<p>Employer sponsorship requirements, including the list of eligible occupations, may change from time to time. Full details of employer sponsorship requirements, including the list of eligible occupations, are available on the website of the Australian government department responsible for immigration matters: <a href="http://www.border.gov.au">www.border.gov.au</a>.</p> <p>Labour market testing may be required for some occupations, to the extent that this is not inconsistent with Australia's commitments under the WTO and other international trade agreements to which it is a party as at entry into force of this Agreement.</p> <p>Entry is for periods of stay up to twelve months, with the possibility of further stay.</p>
<p><u>Spouses</u></p> <p>Spouses of temporary entrants covered by (A), (B) and (D) are accorded full working rights where stay of those temporary entrants is greater than twelve months.</p>		<p>For such spouses, entry and temporary stay is for the same period as for the temporary entrant.</p>

**ANNEX 8-A SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF THE COOK ISLANDS**

1. The Cook Islands' commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services), the Cook Islands specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	The ownership of freehold interest in land is restricted only to Cook Islanders. Natural persons who are not Cook Islanders or Permanent Residents of the Cook Islands and Enterprises may only acquire a leasehold interest in land to a maximum term of 60 years but subject to approval from the Lease Approval Tribunal pursuant to the Leases Restrictions Act 1976, the Leases Restrictions Regulations 1977 and their amendments under a non-discriminatory process.
<b>II. Category-specific commitments</b>		
<u>Business visitors</u>  Business visitor means a natural person of another Party who is: (a) a service seller being a natural person who is a sales representative of a service supplier of	All sectors	Period of stay of one month, with possibility of extension for an additional two months

<p>that Party and is seeking temporary entry into the Cook Islands for the purpose of negotiating the sale of services for that service supplier, when such representative will not be engaged in making direct sales to the general public or in supplying services directly;</p> <p>(b) an investor of another Party, as defined in Chapter 9 (Investment), or a duly authorized representative of an investor of another Party, seeking temporary entry into the Cook Islands to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person of another Party who is seeking temporary entry into the Cook Islands to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>		
<p><u>Intra-Corporate Transferees</u></p> <p>Intra-corporate transferee means an employee of an enterprise of another Party established in the Cook Islands through a branch, subsidiary or affiliate, who is transferred to fill a position in the branch, subsidiary or affiliate of the enterprise in the Cook Islands, who has been in the prior employment of the enterprise of the other Party for a period of not less than six months immediately preceding the date of admission for temporary entry and who comes within one of the</p>	<p>All sectors listed in the Cook Islands' schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Period of stay of one year, with possibility of renewal of up to an additional two years</p> <p>Conditional on the non-availability of equally qualified Cook Islanders or permanent residents. At the time of establishment in the Cook Islands investments of investors of another Party may transfer an executive and financial officer (or an equivalent specialist in a relevant field) without such labour market testing.</p>

following categories:

Executives:

Definition: Executive means a natural person within an organisation who primarily directs the management of the organisation, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors or shareholders of the business. An executive would not directly perform tasks related to the actual provision of the service nor the operation of an investment;

Managers:

Definition: Manager means a natural person within an organisation who primarily directs the organisation or a department or subdivision of the organisation, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and dismiss or take other personnel actions (such as promotion or leave authorization), and exercises discretionary authority over day-to-day operations;

Specialists:



<p>Definition: Specialist means a natural person within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organisation's service, research equipment, techniques or management.</p>		
<p><u>Contractual service supplier</u></p> <p>A contractual service supplier means a natural person of another Party who: (a) is an employee of an enterprise that is a service supplier of another Party, whether a company, partnership or firm, who enters the Cook Islands temporarily in order to perform a service pursuant to a contract(s) between his or her employer and an enterprise in the Cook Islands; (b) is employed by an enterprise of the other Party, which has no commercial presence in the Cook Islands; (c) receives his or her remuneration from that employer; (d) is sponsored by that enterprise in the Cook Islands; (e) has a qualification resulting from three or more years of formal post-secondary school education and appropriate experience.</p>	<p>All sectors listed in the Cook Islands' schedule under Annex 7-A (Schedule of Specific Services Commitments), except:  - 1.C. Research and Development Services; - 1.D. Real Estate Services; - 9.C. Tourist Guide Services.</p>	<p>Period of stay of up to a maximum of three months within any one year period.</p>
<p><u>Independent Service Supplier</u></p> <p>Independent service supplier means a self-employed natural person of another Party who is a service supplier entering the territory of the</p>	<p>The subsectors listed in the Cook Islands' schedule under Annex 7-A (Schedule of Specific Services Commitments), except:  - 1.C. Research and</p>	<p>Period of stay of up to a maximum of three months within any one year period.</p>

<p>Cook Islands pursuant to a contract with an enterprise in the Cook Islands, who has a qualification resulting from three or more years of formal post-secondary school education, is sponsored by the enterprise in the Cook Islands, and has the appropriate experience to provide the service.</p>	<p>Development Services; - 1.D. Real Estate Services; - 9.C. Tourist Guide Services.</p>	
<p><u>Installers or Servicers</u></p> <p>Installer or servicer means a natural person of another Party who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>All sectors</p>	<p>Period of stay up to a maximum of three months within any one year period.</p>
<p><u>Skilled or semi-skilled workers</u></p> <p>Skilled or semi-skilled worker means a natural person of another Party who enters the Cook Islands in order to work temporarily under an employment contract with an enterprise of the Cook Islands, is sponsored by the enterprise of the Cook Islands, and who is appropriately qualified or experienced for that employment.</p>	<p>All sectors</p>	<p>Period of stay for one year, with possibility of extension for an additional two years Conditional on the non-availability of equally qualified Cook Islanders or permanent residents.</p>

Limited to occupations for which a post-secondary degree or equivalent is required.		
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**ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF KIRIBATI**

1. Kiribati's commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Article 4 (Grant of Temporary Entry) of Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services) and with Chapter 8 (Movement of Natural Persons), Kiribati specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	Natural persons who are not citizens of Kiribati are prohibited from owning land or acquiring land or any interest in land. Such natural persons may lease land in Kiribati, provided that the lease is approved by the Competent Authority. Land may be leased for a period of 30 years, which may be renewed.  Sub-lease of land involving natural persons who are not citizens of Kiribati and enterprises that are not wholly-owned by citizens of Kiribati is not allowed.
<b>II. Category-specific commitments</b>		
<u>Business visitors</u>  Business visitor means a natural person of another Party who is:	All sectors	Period of stay of one month, renewable for up to a maximum of four months within a 12 month period.

<p>(a) a service seller being a natural person who is a sales representative of a service supplier of that Party and is seeking temporary entry into Kiribati for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly;</p> <p>(b) an investor of another Party, as defined in Chapter 9 (Investment), or a duly authorized representative of an investor of another Party, seeking temporary entry into the territory of Kiribati to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person who is seeking temporary entry into the territory of Kiribati to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>		
<p><u>Intra-Corporate Transferees</u></p> <p>Intra-corporate transferee means an employee of an enterprise of another party that has been established in Kiribati through a branch, subsidiary or affiliate, who is transferred to fill a position in the branch, subsidiary or affiliate of the enterprise in Kiribati and who corresponds to the following categories:</p> <p>Executives:</p> <p>Definition: Executive means a natural person within an organization who primarily directs the management of the organization, exercises wide latitude in decision making, and receives only general supervision or direction from higher level</p>	<p>All sectors listed in Kiribati's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment)</p>	<p>Entry and stay of such a natural person is subject to employer sponsorship.</p> <p>Employer sponsorship requirements for this category include minimum skills levels and sponsorship by a bona fide business operating lawfully and actively in Kiribati. Approval is conditional on the non-availability of Kiribati citizens or permanent residents with the requisite skills and professional experience for such employment.</p> <p>Entry is for an initial period of stay for one year with possibility of renewal.</p>

<p>executives, the board of directors or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service nor the operation of an investment;</p> <p>Managers:</p> <p>Definition: Manager means a natural person within an organization who primarily directs the organization or a department or subdivision of the organization, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorization), and exercises discretionary authority over day-to-day operations;</p> <p>Specialists:</p> <p>Definition: Specialist means a natural person within an organization who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organization's service, research equipment, techniques or management.</p>		
<p><u>Contractual service supplier</u></p> <p>A contractual service supplier means a natural person of another Party who: (a) is an employee of a service supplier or an enterprise of another Party, who enters the territory of Kiribati temporarily in order to perform a service pursuant to a contract(s)</p>	<p>All sectors listed in Kiribati's schedule under Annex 7-A (Schedule of Specific</p>	<p>Entry is for an initial period of stay of six months with possibility of renewal.</p>

<p>between his or her employer and an enterprise in the territory of Kiribati; (b) is sponsored by the enterprise in Kiribati; (c) is employed by an enterprise which has no commercial presence in the territory of Kiribati; (d) receives his or her remuneration from that employer; (e) has qualifications resulting from three or more years of formal post-secondary school education and has appropriate experience to provide the service.</p>	<p>Services Commitments)</p>	
<p><u>Independent Service Supplier</u></p> <p>Independent service supplier means a self-employed natural person of another Party who is a service supplier entering the territory of Kiribati pursuant to a contract with an enterprise in the territory of Kiribati, is sponsored by the enterprise in Kiribati, and who has a qualification resulting from three or more years of formal post-secondary school education and has appropriate experience to provide the service.</p>	<p>All sectors listed in Kiribati's schedule under Annex 7-A (Schedule of Specific Services Commitments)</p>	<p>Entry is for an initial period of stay of 6 months with possibility of renewal.</p>
<p><u>Installers or Servicers</u></p> <p>Installer or servicer means a natural person of another Party who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>All sectors</p>	<p>Period of stay of up to 6 months.</p>
<p><u>Skilled and semi-skilled workers</u></p>	<p>All sectors</p>	<p>Entry is for an initial period of stay for one year with possibility of renewal for a maximum total</p>

<p>Skilled or semi-skilled worker means a natural person of a Party who enters the territory of Kiribati in order to work temporarily under an employment contract with an enterprise in Kiribati, who is sponsored by the enterprise in Kiribati, and who has qualifications resulting from three or more years of formal post-secondary school education and appropriate experience for that employment.</p>		<p>period of three years.</p> <p>Conditional on the non-availability of Kiribati citizens or permanent residents with the requisite skills and professional experience for such employment.</p>
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## ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)

### SCHEDULE OF NEW ZEALAND

1. New Zealand's commitments under Chapter 8 (Movement of Natural Persons), and under Article 5 and Article 6 of Chapter 7 (Trade in Services), in relation to the supply by a service supplier of one Party through the presence of natural persons of a Party in the territory of another Party apply only in relation to the categories of persons set out below.
2. In accordance with Article 5 and Article 6 of Chapter 7 (Trade in Services) and Annex 7-A (Schedules of Specific Services Commitments), for the categories of persons set out in this Schedule, New Zealand specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of New Zealand.

<b>Description of Category</b>	<b>Conditions (including duration of stay)</b>
<b>Business Visitors</b> <u>Definition:</u> a natural person of a Party whose remuneration and financial support is derived entirely from sources outside New Zealand and is seeking temporary entry to New Zealand for business purposes, such as: (i) for the purpose of negotiating and concluding the sale of goods or services but is not engaged in making direct sales to the general public or in supplying goods or services themselves; or (ii) as an investor, or duly authorised representative of an investor, for the purpose of establishing, expanding, monitoring, or disposing of an investment, but not with the intention of establishing or operating any business on the business visitor's own account; who is not seeking to enter the labour market of New Zealand.	Entry for a period not exceeding in aggregate three months in any calendar year.
<b>Intra-corporate transferees</b> <u>Definition:</u> an <b>executive manager</b> or a <b>specialist</b> :	

- (a) who is an employee of a goods supplier, service supplier or investor of a Party with a commercial presence in New Zealand; and
- (b) whose salary and any related payments are paid entirely by the service supplier or enterprise that employs the intra-corporate transferee.

**Executives**

Definition: a natural person of a Party who primarily directs the management of an enterprise, exercises wide latitude in decision-making and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the enterprise. An executive would not directly perform tasks related to the actual provision of the service or the operation of the enterprise.

**Managers**

Definition: a natural person who will be responsible for or directs the entire or a substantial part of the operations of the enterprise in New Zealand, receiving general supervision or direction principally from higher level executives, the board of directors or stock holders of the enterprise; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies of the entire or a substantial part of the operations of the enterprise.

**Specialists**

Definition: a natural person with advanced trade, technical or professional skills within an organisation who possesses knowledge at an advanced level of technical expertise, and who

Entry for a period of initial stay up to a maximum of three years for executives who have been employed by their employer for at least twelve months prior to their proposed transfer to New Zealand.

Entry for a period of initial stay up to a maximum of three years for managers who have been employed by their employer for at least twelve months prior to their proposed transfer to New Zealand.

Entry for a period of initial stay up to a maximum of three years.

<p>possesses proprietary knowledge of the organisation's service, research equipment, techniques or management. Such specialists are responsible for or employed in a particular aspect of an organisation's operations in New Zealand. Skills are assessed in terms of the applicant's employment experience, qualifications, and suitability for the position.</p>	
<p><b>Installers/Serviceicers</b>  <u>Definition:</u> a natural person who is an installer or servicer of machinery and/or equipment, where such installation and/or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>Entry for periods not exceeding three months in any 12-month period.</p>
<p><b>Independent Service Suppliers</b> (self-employed service suppliers working on a contractual basis, without a requirement for commercial presence).</p> <p>In the following category only:  <b>Independent Professionals:</b>  <u>Definition:</u> self-employed natural persons with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand.  Independent professionals must have:  (i) a qualification resulting from three or more years of formal post-secondary school education leading to a recognised degree or diploma; and  (ii) six or more years of experience.</p>	<p>In respect of the service sectors set out in New Zealand's Schedule of Specific Services Commitments (Annex 7-A) only and subject to economic needs tests, entry for a period of stay up to a maximum of 12 months.</p>

Both (i) and (ii) must be in the field of which the Independent Professionals wish to supply their professional services.<sup>1</sup>

1. Notwithstanding the commitments set out above, New Zealand remains unbound in cases of labour/management disputes, and also with respect to ships' crews.
2. With respect to audiovisual services, New Zealand immigration instructions stipulate a special procedure for the granting of visas to entertainers, performing artists and associated support personnel for work purposes. To be eligible for a work visa or work permit, such applicants must come within the policy guidelines agreed to between the Minister of Immigration, independent promoters, agents or producers and the relevant performing artists' unions.
3. For greater clarity, all the commitments in respect of the presence of natural persons made in New Zealand's Schedule of Specific Commitments in the WTO (as currently set out in *GATS/SC/62*), including any requirements, regulations and additional commitments, apply to the services suppliers of the other Parties that are a Member of the WTO.

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<sup>1</sup> These qualifications must be recognised by the appropriate New Zealand authority where under New Zealand law such recognition is a condition of the provision of that service in New Zealand.

**ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF NIUE**

1. Niue's commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services) and with Chapter 8 (Movement of Natural Persons), Niue specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule.	All sectors	Natural persons who are not Niueans are prohibited from owning land.
<b>II. Category-specific commitments</b>		
<u>Business visitors</u>  Business visitor means a natural person of another Party who is: (a) a service seller being a natural person of another Party who is a sales representative of a service supplier of that Party and is seeking temporary entry into Niue for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly; (b) an investor of another Party, as defined in	All sectors	Period of stay of 30 days, with the possibility of an extension for another 30 days.

<p>Chapter 9 (Investment), or a duly authorized representative of an investor of another Party, seeking temporary entry into the territory of Niue to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person of another Party who is seeking temporary entry into the territory of Niue to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>		
<p><u>Intra-Corporate Transferees</u></p> <p>Intra-corporate transferee means an employee of an enterprise of another Party that has established in Niue through a branch, subsidiary or affiliate, who is transferred to fill a position in the branch, subsidiary or affiliate of the enterprise in Niue, and who corresponds to the following categories:</p> <p>Executives:</p> <p>Definition: Executive means a natural person within an organisation who primarily directs the management of the organization, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the business. An executive would not directly perform tasks related to the actual provision of</p>	<p>All sectors listed in Niue's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Period of stay of two years. This may be extended for one year, if there are no Niue citizens or permanent residents with the requisite skills and professional experience for such employment.</p>

<p>the service nor the operation of an investment;</p> <p>Managers:</p> <p>Definition: Manager means a natural person within an organization who primarily directs the organization or a department or subdivision of the organization, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorization), and exercises discretionary authority over day-to-day operations;</p> <p>Specialists:</p> <p>Definition: Specialist means a natural person within an organization who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organization's service, research equipment, techniques or management.</p>		
<p><u>Contractual service supplier</u></p> <p>A contractual service supplier means a natural person of another Party who: (a) is an employee of an enterprise of another Party, whether a company, partnership or firm, who enters the</p>	<p>All subsectors listed in Niue's schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay of one year. This may be extended for another year, if there are no Niue citizens or permanent residents with the requisite skills and professional experience for such employment.</p>

<p>territory of Niue in order to perform a service pursuant to a contract between his or her employer and an enterprise in the territory of Niue; (b) is employed by an enterprise of another Party, which has no commercial presence in the territory of Niue where the service is to be provided; (c) receives his or her remuneration from that employer; (d) is sponsored by that enterprise in Niue; (e) has a qualification resulting from three or more years of formal post-secondary school education and has the appropriate experience to provide the service.</p>		
<p><u>Independent Service Supplier</u></p> <p>Independent service supplier means a self-employed natural person of another Party who is a service supplier entering the territory of Niue pursuant to a contract with an enterprise in the territory of Niue, is sponsored by the enterprise in Niue, who has a qualification resulting from three or more years of formal post-secondary school education and has the appropriate experience to provide the service.</p>	<p>All subsectors listed in Niue's schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay of two years, with the possibility of extension for one year, if there are no Niue citizens or permanent residents with the requisite skills and professional experience for such employment.</p>
<p><u>Installers or Servicers</u></p> <p>Installer or servicer means a natural person of another Party who is an installer or servicer of machinery or equipment, where such installation</p>	<p>All sectors</p>	<p>Period of stay of a maximum of 30 days.</p>



<p>or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>		
<p><u>Skilled and semi-skilled workers:</u></p> <p>Skilled or semi-skilled worker means a natural person of another Party who enters Niue in order to work temporarily under an employment contract with an enterprise in Niue, and who is appropriately qualified or experienced for that employment.</p> <p>Limited to occupations for which a university degree or the equivalent is required.</p>	<p>All sectors</p>	<p>Period of stay of two years. This may be extended for one year, if there are no Niue citizens or permanent residents with the requisite skills and professional experience for such employment.</p>

**ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF SAMOA**

1. Samoa's commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services), Samoa specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	<p>Natural persons who are not citizens of Samoa and enterprises that are not wholly-owned by citizens of Samoa are required to provide training to counterparts, partners and/or employees who are natural persons of Samoa to allow subsequent transfer of skills.</p> <p>Non-Samoan natural persons may lease but not own land. Land may be leased for up to 30 years renewable once in the case of land leased or licensed for industrial purposes or a hotel and 20 years renewable once in the other cases.</p>
<b>II. Category-specific commitments</b>		
<p><u>Business visitors</u></p> <p>Business visitor means a natural person of another Party who is:</p>	All sectors	Period of stay of a maximum of 60 days per year.

<p>(a) a service seller being a natural person who is a sales representative of a service supplier of that Party and is seeking temporary entry into Samoa for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly;</p> <p>(b) an investor of another Party, as defined in Chapter 9 (Investment), or a duly authorized representative of an investor of another Party, seeking temporary entry into the territory of Samoa to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person of another Party who is seeking temporary entry into the territory of Samoa to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>		
<p><u>Intra-Corporate Transferees</u></p> <p>Managers, executives and specialists as defined below who are employees of foreign-owned or controlled firms that provide services in Samoa through a branch, subsidiary or affiliate</p>	<p>All sectors listed in Samoa's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Period of stay up to a maximum of three years.</p> <p>Admission of more than two intra-corporate transferees at any one point in time will be granted only after consideration of Samoan citizens or permanent residents with the requisite technical skills or</p>

<p>established in Samoa and who have been in the prior employment of their firm outside Samoa for a period of not less than 1 year immediately preceding the date of their application for admission for a transfer and who fall within one of the following categories:</p> <p>Executives:</p> <p>Definition: Executive means a natural person within an organization who primarily directs the management of the organization, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service nor the operation of an investment;</p> <p>Managers:</p> <p>Definition: Manager means a natural person within an organization who primarily directs the organization or a department or subdivision of the organization, supervises and controls the work of other supervisory, professional or managerial</p>		<p>professional experience available for such employment.<sup>1</sup></p>
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<sup>1</sup> The requirement for considering Samoan citizens or permanent residents with the requisite technical skills or professional experience may be fulfilled by advertising the position in a newspaper of broad circulation (or equivalent electronic listing of hiring opportunities commonly consulted in Samoa) for a period of 30 days. If after this period no person with the requisite skills and experience is identified by the company, the request for admission will be granted.

<p>employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorization), and exercises discretionary authority over day-to-day operations;</p> <p>Specialists:</p> <p>Definition: Specialist means a natural person within an organization who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organization's service, research equipment, techniques or management.</p>		
<p><u>Independent Service Supplier</u></p> <p>Independent service supplier means a self-employed natural person with advanced technical or professional skills, working under a valid contract to perform a service in Samoa, and being the sole recipient of remuneration for the service supplied under the contract.</p>	<p>All sectors listed in Samoa's schedule under Annex 7-A (Schedule of Specific Services Commitments), except:</p> <ul style="list-style-type: none"> <li>- International maritime transport in Samoan flagged vessels.</li> </ul>	<p>Admission will be granted after consideration of Samoan citizens or permanent residents with requisite technical skills or professional experience available for such employment.</p> <p>Entry and stay of persons named in this category is one year maximum.</p>
<p><u>Installers or Servicers</u></p> <p>Installer or servicer means a natural person who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An</p>	<p>All sectors</p>	<p>Period of stay of a maximum of 60 days per year.</p>

<p>installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>		
<p><u>Management trainee on professional development</u></p> <p>Management trainee on professional development means a natural person of another Party with a university degree or a technical qualification demonstrating knowledge of an equivalent level, who is transferring for career development purposes or to obtain training in business techniques or methods.</p> <p>This commitment applies to an employee of an enterprise of another Party that has established in Samoa through a branch, subsidiary or affiliate, and who is transferred to the branch, subsidiary or affiliate of the enterprise in Samoa.</p> <p>This commitment also applies to natural persons transferring from a branch, subsidiary or affiliate that supplies services in another Party, to its parent juridical person established in Samoa.</p> <p>The recipient service supplier in Samoa may be required to submit a training programme covering the duration of the stay for prior approval, demonstrating that the purpose of the stay is for</p>	<p>All sectors listed in Samoa's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Conditional on obtaining a work permit, for which the decision is based on the non-availability of Samoan citizens or permanent residents with the requisite technical skills or professional experience available for such employment, the number of Samoan natural persons employed in the industry, the development of the relevant industry, and the employment requirements under the Foreign Investment Act 2000;</p> <p>Period of stay up to a maximum of two years.</p>

training and career development purposes.		
<p><u>Skilled or semi-skilled workers:</u></p> <p>Skilled or semi-skilled worker means a natural person of another Party who enters the territory of Samoa in order to work temporarily under an employment contract with an enterprise in Samoa, and who is appropriately qualified and/or experienced for that employment.</p> <p>Limited to the following occupations:</p> <ul style="list-style-type: none"> <li>- Doctors (general practitioners)</li> <li>- Pathologists</li> <li>- Dermatologists</li> <li>- Ophthalmologists</li> <li>- Vets</li> <li>- Technicians (manufacturing sector)</li> <li>- Mechanics</li> <li>- Counsellors</li> <li>- Chefs</li> <li>- Naval Architects</li> </ul>	<p>All sectors listed in Samoa's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Conditional on obtaining a work permit, for which the decision is based after consideration of Samoan citizens or permanent residents with the requisite technical skills or professional experience available for such employment, the number of Samoan natural persons employed in the industry, the development of the relevant industry, and the employment requirements under the Foreign Investment Act 2000;</p> <p>Period of stay up to a maximum of two years.</p>

**ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF SOLOMON ISLANDS**

1. Solomon Islands' commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services), Solomon Islands specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	Natural persons who are not citizens of the Solomon Islands are prohibited from owning or acquiring land. Land may, however, be leased from the Government and land-holding groups.
<b>II. Category-specific commitments</b>		
<u>Business visitors</u>  Business visitor means a natural person of another Party who is: (a) a service seller being a natural person who is a sales representative of a service supplier of that Party and is seeking temporary entry into Solomon Islands for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in	All sectors	Period of stay of 90 days within any one year period.



<p>supplying services directly;</p> <p>(b) an investor of another Party, as defined in Chapter 9 (Investment), or a duly authorised representative of an investor of another Party, seeking temporary entry into the territory of Solomon Islands to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person of another Party who is seeking temporary entry into the Solomon Islands to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>		
<p><u>Intra-Corporate Transferees</u></p> <p>Intra-corporate transferee means an employee of an enterprise of another Party that has established in the Solomon Islands through a branch, subsidiary or affiliate, who is transferred to fill a position in the branch, subsidiary or affiliate of the enterprise in the Solomon Islands, and who corresponds to the following categories:</p> <p>Executives:</p> <p>Definition: Executive means a natural person within an organisation who primarily directs the management of the organisation, exercises wide latitude in decision making, and receives only general supervision or direction from higher level</p>	<p>All sectors listed in the Solomon Islands' schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment)</p>	<p>Intra-corporate transferees can stay up to a maximum of two years, provided investment approval has been granted and work permits issued by the Labour Department.</p>

<p>executives, the board of directors or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service nor the operation of an investment;</p> <p>Managers:</p> <p>Definition: Manager means a natural person within an organisation who primarily directs the organisation or a department or subdivision of the organisation, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorisation), and exercises discretionary authority over day-to-day operations;</p> <p>Specialists:</p> <p>Definition: Specialist means a natural person within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organisation's service, research equipment, techniques or management.</p>		
<p><u>Contractual service supplier</u></p> <p>A contractual service supplier means a natural</p>	<p>All sectors listed in the Solomon Islands' schedule under Annex 7-A (Schedule of Specific</p>	<p>Period of stay of up to 90 days within any one year period. Stay beyond 90 days, up to a maximum of two years, is conditional on the non-availability of Solomon</p>

<p>person of a Party who: (a) is an employee of a service supplier or an enterprise of a Party, whether a company, partnership or firm, who enters the territory of Solomon Islands temporarily in order to perform a service pursuant to a contract(s) between his or her employer and an enterprise in the territory of Solomon Islands; (b) is sponsored by the enterprise in Solomon Islands; (c) is employed by an enterprise of the other Party, which has no commercial presence in the territory of Solomon Islands; (d) receives his or her remuneration from that employer; (e) has qualifications resulting from three or more years of formal post-secondary school education and appropriate experience to provide the service.</p>	<p>Services Commitments)</p>	<p>Island citizens or permanent residents with the requisite skills and professional experience available for such employment.</p>
<p><u>Independent Service Supplier</u></p> <p>Independent service supplier means a self-employed natural person of another Party who is a service supplier entering the territory of the Solomon Islands pursuant to a contract with an enterprise in the territory of the Solomon Islands, is sponsored by the enterprise in the Solomon Islands, who has a qualification resulting from three or more years of formal post-secondary school education and has the appropriate experience to provide the service.</p>	<p>All sectors listed in Solomon Islands' schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay of up to 90 days within any one year period. Stay beyond 90 days, up to a maximum of two years, is conditional on the non-availability of Solomon Island citizens or permanent residents with the requisite skills and professional experience available for such employment.</p>
<p><u>Installers or Servicers</u></p>	<p>All sectors</p>	<p>Period of stay up to a maximum of 90 days within any</p>

<p>Installer or servicer means a natural person of another Party who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>		<p>one year period. Stay beyond 90 days is conditional on the non-availability of Solomon Island citizens or permanent residents with the requisite skills and professional experience available for such employment.</p>
<p><u>Skilled and semi-skilled workers:</u></p> <p>Skilled or semi-skilled worker means a natural person of a Party who enters the territory of Solomon Islands in order to work temporarily under an employment contract with an enterprise of the Solomon Islands, and who has a qualification resulting from three or more years of formal post-secondary school education and appropriate experience for that employment.</p>	<p>All sectors</p>	<p>Period of stay up to a maximum of two years.</p> <p>Approval is conditional on non-availability of Solomon Island citizens or permanent residents with the requisite skills and professional experience available for such employment.</p>

**ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF TONGA**

1. Tonga's commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services) and with Chapter 8 (Movement of Natural Persons), Tonga specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	- Natural persons who are not citizens of Tonga are prohibited from owning or acquiring land or any interest in land. Land may be leased.
<b>II. Category-specific commitments</b>		
<u>Business visitors</u>  Business visitor means a natural person of another Party who is: (a) a service seller being a natural person who is a sales representative of a service supplier of that other Party and is seeking temporary entry into Tonga for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly;	All sectors	Period of stay of a maximum of six months in one year.

<p>(b) an investor of another Party, as defined in Chapter 9 (Investment), or a duly authorized representative of an investor of another Party, seeking temporary entry into the territory of Tonga to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person of another Party who is seeking temporary entry into the territory of Tonga to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>		
<p><u>Intra-Corporate Transferees</u></p> <p>Intra-corporate transferee means an employee of an enterprise of another Party that has established in Tonga through a branch, subsidiary or affiliate, who is transferred to fill a position in the branch, subsidiary or affiliate of the enterprise in Tonga, and who corresponds to the following categories:</p> <p>Executives:  Definition: Executive means a natural person within an organization who primarily directs the management of the organization, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the business. An executive would not directly perform tasks related to the</p>	<p>All sectors listed in Tonga's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Period of stay of up to a maximum of two years.</p> <p>Extension may be granted subject to the non-availability of Tongan citizens or permanent residents with the requisite skills and professional experience for such employment.</p>

<p>actual provision of the service nor the operation of an investment;</p> <p>Managers:  Definition: Manager means a natural person within an organization who primarily directs the organization or a department or subdivision of the organization, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorization), and exercises discretionary authority over day-to-day operations;</p> <p>Specialists:  Definition: Specialist means a natural person within an organization who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organization's service, research equipment, techniques or management.</p>		
<p><u>Contractual service supplier</u></p> <p>A contractual service supplier means a natural person of another Party who:</p> <p>(a) is an employee of an enterprise of another Party that is a service supplier, whether a</p>	<p>The subsectors listed in Tonga's schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay of six months, which can be extended for an additional six months.</p> <p>Further stay, up to two additional years, may be granted where there are no Tongan citizens or</p>

<p>company, partnership or firm, who enters the territory of Tonga temporarily in order to perform a service pursuant to a contract(s) between his or her employer and an enterprise in the territory of Tonga; (b) is sponsored by the enterprise in Tonga; (c) is employed by an enterprise of the other Party, which has no commercial presence in the territory of Tonga; (d) receives his or her remuneration from that employer; and (e) has a qualification resulting from three or more years of formal post-secondary school education and appropriate experience in order to provide the service.</p>		<p>permanent residents with the requisite skills and professional experience for such employment.</p>
<p><u>Independent Service Supplier</u></p> <p>Independent service supplier means a self-employed natural person of another Party who is a service supplier entering the territory of Tonga pursuant to a contract with an enterprise in the territory of Tonga, is sponsored by the enterprise in Tonga, who has a qualification resulting from three or more years of formal post-secondary school education and has the appropriate experience to provide the service.</p>	<p>The subsectors listed in Tonga's schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay of six months, which can be extended for an additional six months.</p> <p>Further stay, up to two additional years, may be granted where there are no Tongan citizens or permanent residents with the requisite skills and professional experience for such employment.</p>
<p><u>Installers or Servicers</u></p> <p>Installer or servicer means a natural person of another Party who is an installer or servicer of</p>	<p>All sectors</p>	<p>Period of stay of a maximum of six months.</p>



<p>machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>		
<p><u>Skilled or semi-skilled workers</u></p> <p>Skilled or semi-skilled worker means a natural person of another Party who enters the territory of Tonga in order to work temporarily under an employment contract with an enterprise in Tonga, that is sponsored by an enterprise in Tonga, and who has a qualification resulting from three or more years of formal post-secondary school education and appropriate experience for that employment.</p>	<p>All sectors</p>	<ul style="list-style-type: none"> <li>- Period of stay of six months, which can be extended for an additional six months.</li> <li>- Further stay, up to two additional years, may be granted where there are no Tongan citizens or permanent residents with the requisite skills and professional experience for such employment.</li> </ul>

**ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF TUVALU**

1. Tuvalu's commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services) and with Chapter 8 (Movement of Natural Persons), Tuvalu specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	<p>Natural persons who are not citizens of Tuvalu and enterprises that are not wholly-owned by citizens of Tuvalu are prohibited from owning land. Land may be leased for a period not exceeding 25 years. Leases have to be approved by the Lands Court and by the relevant Minister under a non-discriminatory process.</p> <p>Natural persons who are not citizens of Tuvalu and Enterprises that are not wholly-owned by citizens of Tuvalu may be required to provide short-term training to local employees.</p>
<b>II. Category-specific commitments</b>		
<u>Business visitors</u>  Business visitor means a natural person of another Party who is:	All sectors	Period of stay of one month, with possibility of renewal up to a maximum of three months.

<p>(a) a service seller being a natural person of another Party who is a sales representative of a service supplier of that Party and is seeking temporary entry into Tuvalu for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly;</p> <p>(b) an investor of another Party, as defined in Chapter 9 (Investment), or a duly authorized representative of an investor of another Party, seeking temporary entry into the territory of Tuvalu to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person of another Party who is seeking temporary entry into Tuvalu to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>		
<p><u>Intra-Corporate Transferees</u></p> <p>Intra-corporate transferee means an employee of an enterprise of another Party that has established in Tuvalu through a branch, subsidiary or affiliate, who is transferred to fill a position in the branch, subsidiary or affiliate of the enterprise in Tuvalu, and who corresponds to the following categories:</p> <p>Executives:</p>	<p>All sectors listed in Tuvalu's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment)</p>	<p>Period of stay up to a maximum of one year, with possibility of renewal for one additional year.</p>

Definition: Executive means a natural person within an organization who primarily directs the management of the organization, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service nor the operation of an investment;

Managers:

Definition: Manager means a natural person within an organization who primarily directs the organization or a department or subdivision of the organization, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorization), and exercises discretionary authority over day-to-day operations;

Specialists:

Definition: Specialist means a natural person within an organization who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organization's service, research equipment,

<p>techniques or management.</p>		
<p><u>Contractual service supplier</u></p> <p>A contractual service supplier means a natural person of another Party who: (a) is an employee of an enterprise of another Party that is a service supplier, whether a company, partnership or firm, who enters the territory of Tuvalu temporarily in order to perform a service pursuant to a contract(s) between his or her employer and an enterprise in the territory of Tuvalu; (b) is sponsored by the enterprise in Tuvalu; (c) is employed by an enterprise of the other Party that has no commercial presence in the territory of Tuvalu, where the service is to be provided; (d) receives his or her remuneration from that employer; (e) has a qualification resulting from three or more years of formal post-secondary school education and appropriate experience in order to provide the service.</p>	<p>All sectors listed in Tuvalu's schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay of one month, with possibility of renewal up to a maximum of three months. Longer period of stay, up to a maximum of one year, is conditional on the non-availability of Tuvalu citizens or permanent residents with the requisite skills and professional experience for such employment.</p>
<p><u>Independent Service Supplier</u></p> <p>Independent service supplier means a self-employed natural person of another Party who is a service supplier entering the territory of Tuvalu pursuant to a contract with an enterprise in the territory of Tuvalu, is sponsored by the enterprise</p>	<p>All sectors listed in Tuvalu's schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay of one month, with possibility of renewal up to a maximum of three months. Longer period of stay, up to a maximum of one year, is conditional on the non-availability of Tuvalu citizens or permanent residents with the requisite skills and professional experience for such employment.</p>

<p>in Tuvalu, who has a qualification resulting from three or more years of formal post-secondary school education and has the appropriate experience to provide the service.</p>		
<p><u>Installers or Servicers</u></p> <p>Installer or servicer means a natural person of another Party who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>All sectors</p>	<p>Period of stay of one month, with possibility of renewal up to a maximum of three months.</p>
<p><u>Management trainee on professional development</u></p> <p>Natural person of another Party with a university degree or a technical qualification demonstrating knowledge of an equivalent level, who are transferring for career development purposes or to obtain training in business techniques or methods.</p> <p>This commitment applies to an employee of an enterprise of another Party that has established in Tuvalu through a branch, subsidiary or affiliate, who is transferred to the branch, subsidiary or affiliate of the enterprise in Tuvalu.</p>	<p>All sectors</p>	<p>Period of stay up to one year, with possibility of renewal for one additional year.</p>

<p>This commitment also applies to natural persons transferring from a branch, subsidiary or affiliate that supplies services in another Party, to its parent juridical person established in Tuvalu.</p> <p>The recipient service supplier in Tuvalu may be required to submit a training programme covering the duration of the stay for prior approval, demonstrating that the purpose of the stay is for training and career development purposes.</p>		
<p><u>Skilled and semi-skilled workers:</u></p> <p>Skilled or semi-skilled worker means a natural person of another Party who enters the territory of Tuvalu in order to work temporarily under an employment contract with an enterprise in Tuvalu, that is sponsored by the enterprise in Tuvalu, and who is appropriately qualified or experienced for that employment.</p> <p>Limited to occupations for which a university degree or the equivalent is required.</p>	<p>All sectors</p>	<p>Period of stay up to one year, with possibility of extension for a period not exceeding three years within any five year period.</p> <p>Entry and stay are conditional on the non-availability of Tuvalu citizens or permanent residents with the requisite skills and professional experience for such employment.</p>

**ANNEX 8-A: SCHEDULE OF COMMITMENTS ON MOVEMENT OF NATURAL PERSONS (CHAPTER 8)**

**SCHEDULE OF VANUATU**

1. Vanuatu's commitments under Article 5 (Market Access) and Article 6 (National Treatment) of Chapter 7 (Trade in Services) and under Chapter 8 (Movement of Natural Persons) apply only in relation to the categories of persons set out below. In accordance with Article 5 (Market Access), Article 6 (National Treatment), and Article 8 (Specific Commitments) of Chapter 7 (Trade in Services), Vanuatu specifies below any terms, conditions, limitations or qualifications.

<b>Category of natural person</b>	<b>Sector or subsector</b>	<b>Conditions and Limitations (including duration of stay)</b>
<b>I. Horizontal Commitments</b>		
All categories of natural persons included in this schedule	All sectors	Freehold ownership of land is prohibited. Only indigenous Ni Vanuatu can own land under customary law provisions. Indigenous citizens and expatriates can hold land in leasehold.  Employers of non-Vanuatu citizen workers shall pay an annual tax for each work permit issued. Foreign workers for whom work permits have been issued, as well as their employers, shall provide training to citizens of Vanuatu.
<b>II. Category-specific commitments</b>		
<u>Business visitors</u>  Business visitor means a natural person of another Party who is: (a) a service seller being a natural person who is	All sectors	Period of stay of up to 90 days.



<p>a sales representative of a service supplier of that Party and is seeking temporary entry into Vanuatu for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly;</p> <p>(b) an investor of another Party, as defined in Chapter 9 (Investment), or a duly authorized representative of an investor of another Party, seeking temporary entry into the territory of Vanuatu to establish, expand, monitor, or dispose of an investment of that investor; or</p> <p>(c) a goods seller, being a natural person of another Party who is seeking temporary entry into the territory of Vanuatu to negotiate for the sale of goods where such negotiations do not involve direct sales to the general public.</p>		
<p><u>Intra-Corporate Transferees</u></p> <p>Intra-corporate transferee means an employee of an enterprise of another Party that has established in Vanuatu through a branch, subsidiary or affiliate, who is transferred to fill a position in the branch, subsidiary or affiliate of the enterprise in Vanuatu, and who corresponds to the following categories:</p> <p>Executives:</p>	<p>All sectors listed in Vanuatu's schedule under Annex 7-A (Schedule of Specific Services Commitments) and Annex 9-A (Schedule of Commitments on Investment).</p>	<p>Period of stay up to one year. This may be extended upon an assessment of need by Vanuatu's authorities.</p>

<p>Definition: Executive means a natural person within an organisation who primarily directs the management of the organisation, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service nor the operation of an investment;</p> <p>Managers:</p> <p>Definition: Manager means a natural person within an organisation who primarily directs the organisation or a department or subdivision of the organisation, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorisation), and exercises discretionary authority over day-to-day operations;</p> <p>Specialists:</p> <p>Definition: Specialist means a natural person within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organization's service, research equipment, techniques or management.</p>		
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<p><u>Contractual service supplier</u></p> <p>A contractual service supplier means a natural person of another Party who: (a) is an employee of a service supplier or an enterprise of another Party, whether a company, partnership or firm, who enters the territory of Vanuatu temporarily in order to perform a service pursuant to a contract(s) between his or her employer and an enterprise in the territory of Vanuatu; (b) is sponsored by the enterprise in Vanuatu; (c) is employed by an enterprise of another Party, which has no commercial presence in the territory of Vanuatu where the service is to be provided; (d) receives his or her remuneration from that employer; (e) has qualifications resulting from three or more years of formal post-secondary school education and appropriate experience to provide the service;</p>	<p>The subsectors listed in Vanuatu's schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay up to 90 days within a period of 10 consecutive months. Longer period of stay is conditional on the non-availability of suitably qualified natural persons of Vanuatu.</p>
<p><u>Independent Service Supplier</u></p> <p>Independent service supplier means a self-employed natural person of another Party who is a service supplier entering the territory of Vanuatu pursuant to a contract with an enterprise in the territory of Vanuatu, is sponsored by the enterprise in Vanuatu, and who has a qualification resulting from three or more years of formal post-secondary</p>	<p>The subsectors listed in Vanuatu's schedule under Annex 7-A (Schedule of Specific Services Commitments).</p>	<p>Period of stay up to 90 days over a period of 10 consecutive months. Longer period of stay is conditional on the non-availability of suitably qualified natural persons of Vanuatu.</p>

<p>school education and has appropriate experience to provide the service.</p>		
<p><u>Installers or Servicers</u></p> <p>Installer or servicer means a natural person of another Party who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.</p>	<p>All sectors</p>	<p>Period of stay up to 90 days.</p>
<p><u>Skilled and semi-skilled workers:</u></p> <p>Skilled or semi-skilled worker means a natural person of a Party who enters the territory of Vanuatu in order to work temporarily under an employment contract with an enterprise in Vanuatu, and who has qualifications resulting from three or more years of formal post-secondary school education and appropriate experience for that employment.</p>	<p>All sectors</p>	<p>Conditional on the non-availability of suitably qualified natural persons of Vanuatu.</p> <p>Period of stay up to one year.</p>