

ANNEX IV
SCHEDULE OF SPECIFIC COMMITMENTS ON
TEMPORARY MOVEMENT OF NATURAL PERSONS

JAPAN

1. Japan may require a natural person of another Party seeking temporary entry and temporary stay under the terms and conditions set out in each category of this Schedule to obtain an appropriate visa or its equivalent prior to entry.
2. For the purposes of this Schedule, the activities which require technology or knowledge at an advanced level pertinent to natural or human sciences mean the activities in which the natural person may not be able to engage without the application of specialised technology or knowledge of natural or human sciences acquired by him or her by, in principle, completing college education (i.e. bachelor's degree) or higher education.
3. For the purposes of Chapter 9 (Temporary Movement of Natural Persons) and this Schedule, "natural person of another Party" shall be limited to a natural person who resides in the territory of that other Party or elsewhere and who is a national of that other Party under the laws and regulations of that other Party.
4. Nothing in this Agreement shall be construed to impose any obligation on Japan regarding its immigration measures, except for Chapter 9 (Temporary Movement of Natural Persons), Chapter 19 (Dispute Settlement) to the extent provided for in Article 9.9 (Dispute Settlement), and Chapter 20 (Final Provisions).
5. For the purposes of Chapter 9 (Temporary Movement of Natural Persons) and this Schedule, natural persons of another Party set out in each category of this Schedule may be subject to the requirement of an economic needs test including numerical restriction.
6. For the purposes of this Schedule, "CPC" means Provisional Central Product Classification (Statistical Papers Series M No.77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

Description of Category	Conditions and Limitations (including length of stay)
A. Short-Term Business Visitor	
<u>Definition:</u> A natural person of another Party who will stay in Japan without acquiring remuneration from within Japan and without engaging in making direct sales to the general public or in supplying services himself or herself, for the purposes of participating in business contacts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing commercial presence in Japan.	Temporary entry and temporary stay for a period of up to 90 days.
B. Intra-Corporate Transferee	
<u>Definition:</u> 1. A natural person of another Party who has been employed by a public or private organisation that supplies services or invests in Japan, for a period of not less than one year immediately preceding the date of his or her application for the temporary entry and temporary stay in Japan, who is being transferred to a branch or representative	Temporary entry and temporary stay for a period of up to five years, which may be extended.

Description of Category	Conditions and Limitations (including length of stay)
<p>office of that public or private organisation in Japan, or another public or private organisation constituted or organised in Japan owned or controlled by or affiliated with the former public or private organisation, and who will engage in one of the following activities during his or her temporary stay in Japan:</p> <ul style="list-style-type: none"> (a) activities to direct the branch or representative office as its head; (b) activities to direct the latter public or private organisation as its board member or auditor; (c) activities to direct one or more departments of the latter public or private organisation; or (d) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences; or jurisprudence, economics, business management, accounting or other human sciences, or activities which require ideas and sensitivity based on culture of a country other than Japan, recognised under the status of residence of "Engineer/Specialist in Humanities/International Services" provided for in the <i>Immigration Control and Refugee Recognition Act</i> (Cabinet Order No. 319 of 1951, as may be amended). <p>2. For the purposes of this category, a public or private organisation is "affiliated" with another public or private organisation when the latter can significantly affect the decision making of the former on finance and business policy.</p> <p>3. Japan shall endeavour to inform the applicant of the decision concerning the application within a reasonable period of up to 90 days after acceptance of a complete application requesting entry visa for an intra-corporate transferee.</p>	
<p>C. Investor</p> <p>Definition: A natural person of another Party who will engage in one of the following activities during his or her temporary stay in Japan:</p> <ul style="list-style-type: none"> (a) activities to invest in business in Japan and manage such business; 	<p>Temporary entry and temporary stay for a period of up to five years, which may be extended.</p>

Description of Category	Conditions and Limitations (including length of stay)
<p>(b) activities to manage business in Japan on behalf of a person other than that of Japan who has invested in such business; or</p> <p>(c) conduct of business in Japan in which a person other than that of Japan has invested.</p>	
<p>D. Qualified Professional</p> <p><u>Definition:</u> A natural person of another Party who is a legal, accounting, or taxation service supplier qualified as specified in subparagraphs (a) through (d) under the laws and regulations of Japan and who will supply the respective services specified therein during his or her temporary stay in Japan:</p> <p>(a) legal services supplied by:</p> <ul style="list-style-type: none"> (i) a lawyer qualified as "<i>Bengoshi</i>"; (ii) a patent attorney qualified as "<i>Benrishi</i>"; (iii) a maritime procedure agent qualified as "<i>Kaijidairishi</i>"; (iv) a judicial scrivener qualified as "<i>Shiho-Shoshi</i>"; (v) an administrative scrivener qualified as "<i>Gyosei-Shoshi</i>"; (vi) a certified social insurance and labour consultant qualified as "<i>Shakai-Hoken-Romushi</i>"; or (vii) a land and house surveyor qualified as "<i>Tochi-Kaoku-Chosashi</i>"; <p>(b) legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer on condition that the service supplier is qualified as "<i>Gaikokuho-Jimu-Bengoshi</i>";</p> <p>(c) accounting, auditing, and bookkeeping services supplied by an accountant qualified as "<i>Koninkaikeishi</i>"; or</p> <p>(d) taxation services supplied by a tax accountant qualified as "<i>Zeirishi</i>".</p>	Temporary entry and temporary stay for a period of up to five years, which may be extended.
<p>E. Independent Professionals</p> <p><u>Definition:</u> A natural person of another Party who will engage in the business activities of supplying services during his or her temporary stay in Japan on the basis of a personal contract with a public or private organisation in Japan which correspond to:</p>	Temporary entry and temporary stay for a period of up to five years, which may be extended.

Description of Category	Conditions and Limitations (including length of stay)
<p>(a) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences; or jurisprudence, economics, business management, accounting or other human sciences; or</p> <p>(b) activities which require ideas and sensitivity based on culture of a country other than Japan,</p> <p>recognised under the status of residence of "Engineer/Specialist in Humanities/International Services", provided for in the <i>Immigration Control and Refugee Recognition Act</i>.</p>	
<p>F. Contractual Service Suppliers</p> <p><u>Definition:</u></p> <p>1. A natural person of another Party who is an employee of a public or private organisation in another Party having no commercial presence in Japan (hereinafter referred to in this category as "the other organisation") and who will engage in one of the following activities during his or her temporary stay in Japan:</p> <p>(a) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences; or jurisprudence, economics, business management, accounting or other human sciences; or</p> <p>(b) activities which require ideas and sensitivity based on culture of a country other than Japan,</p> <p>recognised under the status of residence of "Engineer/Specialist in Humanities/International Services", provided for in the <i>Immigration Control and Refugee Recognition Act</i>.</p> <p>2. Temporary entry and temporary stay referred to in this category shall be granted, provided that:</p> <p>(a) a service contract between a public or private organisation in Japan (hereinafter referred to in this category as "the Japanese organisation") and the other organisation has been concluded;¹ and</p>	<p>Temporary entry and temporary stay for a period of up to five years, which may be extended.</p>

¹ The service contract for the placement and supply services of personnel (CPC 872) shall be excluded from the service contract referred to in this subparagraph.

Description of Category	Conditions and Limitations (including length of stay)
<p>(b) it is recognised, in the context of the service contract referred to in subparagraph (a), that a labour contract between the natural person of another Party referred to in paragraph 1 and the Japanese organisation has been concluded.²</p> <p>3. Japan extends its commitments under this category to another Party with respect to the same sectors and subsectors to which that other Party has made commitments under the category of Contractual Service Suppliers.</p>	
G. Accompanying Spouse and Children	
<p>Definition: A spouse and children accompanying a natural person of another Party who has been granted temporary entry and temporary stay pursuant to categories B through F.</p> <p>For the purposes of this category, the term "spouse" or "children" means a spouse or children recognised as such in accordance with the laws and regulations of Japan.</p>	<ol style="list-style-type: none"> 1. Temporary entry and temporary stay for, in principle, the same period as the period of temporary stay granted to the natural person of another Party pursuant to categories B through F, provided that such spouse and children obtain maintenance from that natural person and engage in daily activities recognised under the status of residence of "Dependent" provided for in the <i>Immigration Control and Refugee Recognition Act</i>. 2. A spouse who has been granted temporary entry and temporary stay pursuant to paragraph 1 may, upon application, have his or her status of residence changed to that under which he or she is allowed to work, subject to the approval of the Government of Japan in accordance with the <i>Immigration Control and Refugee Recognition Act</i>.

² A labour contract as referred to in this subparagraph shall comply with the relevant laws and regulations of Japan.