

ANNEX 10A

MOVEMENT OF BUSINESS PERSONS

Article 1: Scope

This Annex applies to measures affecting the movement of natural persons of a Party who enter the territory of the other Party for business purposes.

Article 2: Definitions

For the purposes of this Annex, the following definitions shall apply:

1. **immigration formality** means a visa, employment pass (in the case of Singapore), working permit (in the case of Panama) or other document or electronic authorisation granting a natural person of one Party the right to reside or work in the territory of the other Party;
2. **intra-corporate transferee** means an employee of a service supplier, enterprise of a Party or an investor of a Party as defined in Chapter 9 (*Investment*), who has been so employed for a period of not less than one year immediately preceding the date of the application for temporary entry, and who is:
 - (a) a manager, meaning a business person within an organisation who primarily directs the organisation or a department or sub-division 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. This does not include a first-line supervisor, unless the employees supervised are professionals, nor does this include an employee who primarily performs tasks necessary for the provision of the service or operation of an investment;
 - (b) an executive meaning a business 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 or the operation of an investment; or
 - (c) a specialist meaning a business person within an organisation who possesses knowledge at an advanced level of expertise and who possesses proprietary knowledge of the organisation's service, research equipment, techniques, or management (a

specialist may include, but is not limited to, members of a licensed profession);

3. **temporary entry** means entry by an intra-corporate transferee, as the case may be, without the intent to establish permanent residence and for the purpose of engaging in activities which are clearly related to their respective business purposes.

Article 3: Intra-Corporate Transferees

A Party shall grant temporary entry to an intra-corporate transferee of the other Party who otherwise meets its criteria for the grant of an immigration formality unless there has been a breach of any of the conditions governing temporary entry, or an application for an extension of an immigration formality has been refused on such grounds of national security or public order by the granting Party as it deems fit:

- (a) in the case of Singapore, for an initial period of up to two years which may be extended for periods of up to three years at a time for a total term not exceeding 8 years; and
- (b) in the case of Panama, for an initial period of up to two years which may be extended for periods of up to three years at a time for a total term not exceeding 8 years.

Article 4: Provision of Information

A Party shall :

- (a) publish or otherwise make available to the other Party such information as will enable the other Party to become acquainted with its measures relating to this Annex; and
- (b) no later than six months after the date of entry into force of this Agreement, prepare, publish or otherwise make available in its own territory, and in the territory of the other Party, explanatory material regarding the requirements for temporary entry under this Annex in such a manner as will enable business persons of the other Party to become acquainted with them.

Article 5: Dispute Settlement

1. A Party may not initiate proceedings under Chapter 15 (*Dispute Settlement*) regarding a refusal to grant temporary entry under this Annex unless:

- (a) the matter involves a pattern of practice; and

- (b) its natural persons affected have exhausted the available domestic administrative remedies regarding the particular matter.

2. The remedies referred to in paragraph 1(b) shall be deemed to be exhausted if a final determination in the matter has not been issued by the competent authority within one year of the institution of proceedings for domestic administrative remedies, including proceedings by way of review, and the failure to issue a determination is not attributable to delays caused by the natural person.

Article 6: Expeditious Application Procedures

A Party shall process expeditiously applications for immigration formalities from natural persons of the other Party, including further immigration formality requests or extensions thereof, particularly applications from members of professions for which mutual recognition arrangements have been concluded.

Article 7: Notification of Outcome of Application

A Party shall notify the applicants for temporary entry, either directly or through their prospective employers, of the outcome of their applications, including the period of stay and other conditions.

Article 8: Online Lodgement and Processing

Where possible, after the date of entry into force of this Agreement, the Parties shall provide facilities for online lodgement and processing:

- (a) in the case of Singapore, of employment passes which shall be applied for by the prospective employers; and
- (b) in the case of Panama, of working permits which shall be applied for by the prospective employers.

Article 9: Resolution of Problems

The relevant authorities of both Parties shall endeavour to favourably resolve any specific or general problems (within the framework of their domestic laws, regulations and other similar measures governing the temporary entry of natural persons), which may arise from the implementation and administration of this Annex.

Article 10: Labour Market Testing

Neither Party shall require labour market testing, labour certification tests or other procedures of similar effect as a condition for temporary entry in respect of natural persons on whom the benefits of this Annex are conferred.