

ANNEX 4

SCHEDULE OF SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS

NEW ZEALAND

1. This Schedule sets out New Zealand's specific commitments in accordance with Chapter 9 (Movement of Natural Persons) for the temporary entry of natural persons of another Party covered under Article 2 (Scope) of Chapter 9 (Movement of Natural Persons).
2. This Schedule and Chapter 9 (Movement of Natural Persons) comprise the entirety of New Zealand's commitments in respect of the temporary entry or temporary stay of a natural person of another Party.
3. For greater certainty, Most-Favoured-Nation Treatment in accordance with Article 9 (Most-Favoured-Nation Treatment) of Chapter 8 (Trade in Services) does not apply to this Schedule.
4. Notwithstanding the commitments set out below, New Zealand remains unbound in cases of labour or management disputes, and also with respect to ships' crews.
5. With respect to audio-visual 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, those 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.

Entry in the following categories only	Conditions and Limitations (including length of stay)
A. Business Visitor	
<u>Definition:</u> Business Visitors comprise a business person: (a) who 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	Entry for a period not exceeding in aggregate three months in any calendar year.

Entry in the following categories only	Conditions and Limitations (including length of stay)
<p>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;</p> <p>(b) who is not seeking to enter the labour market of New Zealand; and</p> <p>(c) whose principal place of business, actual place of remuneration and predominant place of accrual of profits remain outside New Zealand.</p>	
B. Intra-Corporate Transferee	
<p>Definition: An executive, manager or specialist:</p> <p>(a) who is an employee of a goods supplier, service supplier, or investor of another Party with a commercial presence in New Zealand; and</p> <p>(b) whose salary and any related payments are paid entirely by the service supplier or enterprise that employs the intra-corporate transferee.</p>	<p>Executive: Definition: A natural person of another 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.</p> <p>Entry for a period of initial stay up to a maximum of three years for an executive who has been employed by their employer for at least 12 months prior to their proposed transfer to New Zealand.</p> <p>Manager: Definition: A natural person of another Party 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 stockholders of the enterprise; supervising and controlling the work of other supervisory, professional or managerial employees; and having the authority to establish goals and policies</p>

Entry in the following categories only	Conditions and Limitations (including length of stay)
	<p>of the entire or a substantial part of the operations of the enterprise.</p> <p>Entry for a period of initial stay up to a maximum of three years for a manager who has been employed by their employer for at least 12 months prior to their proposed transfer to New Zealand.</p> <p>Specialist <u>Definition:</u> A natural person of another Party with advanced trade, technical or professional skills 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>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>Entry for a period of initial stay up to a maximum of three years.</p>
<p>C. Installer or Servicer</p>	
<p><u>Definition:</u> 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>Entry for periods not exceeding three months in any 12-month period.</p>

D. Independent Service Supplier	
<p><u>Definition:</u> A self-employed services supplier working on a contractual basis, without a requirement for commercial presence.</p> <p>In the following category only:</p> <p>Independent Professional: <u>Definition:</u> A self-employed natural person of another Party with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand.</p> <p>An independent professional must also have:</p> <p>(a) a qualification resulting from three or more years of formal post-secondary school education leading to a recognised degree or diploma; and</p> <p>(b) six or more years of experience.</p> <p>Both (a) and (b) must be in the field in which the independent professional wishes to supply his or her professional services.¹</p>	<p>In respect of the services sectors set out in Appendix A of New Zealand's Schedule of Reservations and Non-Conforming Measures for Investment and Services, only and subject to economic needs tests, entry for a period of stay up to a maximum of 12 months.</p>

¹ 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.