

Annex 13  
referred to in Chapter 11

Categories of Entry and Temporary Stay of Nationals  
for Business Purposes

Section 1  
Business Visitors

1. In accordance with the provisions of Appendix 1, entry and temporary stay shall be granted to nationals of a Party who will stay in the other Party, without acquiring remuneration from within the other Party and without engaging in making direct sales to the general public or in supplying services themselves, 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 investments in the other Party.

2. Entry and temporary stay referred to in paragraph 1 shall be granted to nationals of a Party, without requiring the nationals to obtain an authorization to work, provided that the nationals comply with the immigration laws and regulations of the other Party applicable to entry and temporary stay which are not inconsistent with the provisions of Chapter 11, on presentation of necessary documents for immigration examination including:

- (a) proof of nationality of the former Party;
- (b) documentation demonstrating that the nationals will be engaged in the business activities specified in paragraph 1; and
- (c) evidence demonstrating that the nationals are not seeking to enter in the domestic employment market.

3. A Party shall provide that nationals of the other Party may satisfy the requirements of subparagraph 2 (c) by demonstrating that:

- (a) the source of remuneration for the proposed business activity is outside the former Party; and
- (b) the principal place of business and the actual place of accrual of profits, predominantly, remain outside the former Party.

4. A Party may accept an oral declaration as to the principal place of business and the actual place of accrual of profits. Where the Party requires further proof, it shall normally consider a letter from the employer attesting to these matters as sufficient proof.

5. Neither Party shall:

- (a) as a condition for entry and temporary stay under paragraph 1, require prior approval procedures or other procedures of similar effect; or
- (b) impose or maintain any quantitative restriction relating to entry and temporary stay under paragraph 1.

6. Notwithstanding paragraph 5, a Party may require nationals of the other Party seeking entry and temporary stay under paragraph 1 to obtain a visa or its equivalent prior to entry.

## Section 2 Intra-corporate Transferees

1. In accordance with the provisions of Appendix 1, entry and temporary stay shall be granted to nationals of a Party who have been employed by an enterprise that supplies services or invests in the other Party, for a period not less than one year immediately preceding the date of their application for the entry and temporary stay in the other Party, and who are being transferred to its branch or representative office in the other Party, or another enterprise constituted or organized in the other Party owned or controlled by or affiliated with the former enterprise, provided that the nationals will be engaged in activities:

- (a) to direct the branch or representative office as its head;
- (b) to direct the latter enterprise as its board member or auditor;
- (c) to direct one or more departments of the latter enterprise;
- (d) which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences; or

- (e) which require knowledge at an advanced level pertinent to human science including jurisprudence, economics, business management and accounting, or which require ideas and sensitivity based on culture of a country other than the other Party.

Note 1: For the purposes of paragraph 1, an enterprise is "affiliated" with another enterprise if the latter can significantly affect the decision making of the former on finance and business policy.

Note 2: Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph (d) or (e) mean activities in which the nationals may not be able to be engaged without the application of specialized technology or knowledge of natural or human sciences acquired by them, in principle, by completing college education (i.e. bachelor's degree) or higher education.

2. Entry and temporary stay referred to in paragraph 1 shall be granted to nationals of a Party, provided that the nationals comply with the immigration laws and regulations of the other Party applicable to entry and temporary stay which are not inconsistent with the provisions of Chapter 11.

3. Neither Party shall impose or maintain any quantitative restriction relating to entry and temporary stay under paragraph 1.

4. A Party may require nationals of the other Party seeking entry and temporary stay under paragraph 1 to obtain a visa or its equivalent prior to entry.

### Section 3 Investors

1. In accordance with the provisions of Appendix 1, entry and temporary stay shall be granted to nationals of a Party who will be engaged in the following activities:

- (a) activities to invest in business in the other Party and manage such business;
- (b) activities to manage business in the other Party on behalf of a person other than that of the other Party who has invested in such business; or

(c) conduct of business in the other Party in which a person other than that of the other Party has invested.

2. Entry and temporary stay referred to in paragraph 1 shall be granted to nationals of a Party, provided that the nationals comply with the immigration laws and regulations of the other Party applicable to entry and temporary stay which are not inconsistent with the provisions of Chapter 11.

3. Neither Party shall impose or maintain any quantitative restriction relating to entry and temporary stay under paragraph 1.

4. A Party may require nationals of the other Party seeking entry and temporary stay under paragraph 1 to obtain a visa or its equivalent prior to entry.

#### Section 4

##### Nationals of a Party who Engage in Professional Business Activities on the Basis of a Personal Contract with a Public or Private Organization in the Other Party

1. In accordance with the provisions of Appendix 1, entry and temporary stay shall be granted to nationals of a Party specified in Appendix 2, provided that the nationals comply with the immigration laws and regulations of the other Party applicable to entry and temporary stay which are not inconsistent with the provisions of Chapter 11.

2. Neither Party shall impose or maintain any quantitative restriction relating to entry and temporary stay under paragraph 1.

3. A Party may require nationals of the other Party seeking entry and temporary stay under paragraph 1 to obtain a visa or its equivalent prior to entry.

## Appendix 1

1. With respect to Japan:
  - (a) for the purposes of entry and temporary stay as set out in Section 1 of Annex 13, a stay of 90 days, which may be extended, shall be granted to nationals of Chile; and
  - (b) for the purposes of entry and temporary stay as set out in Sections 2, 3 and 4 of Annex 13, a stay of one or three years, which may be extended, shall be granted to nationals of Chile.
2. With respect to Chile:
  - (a) nationals of Japan who enter Chile under any of the categories set out in Annex 13 shall be deemed to be engaged in activities which are in the country's interest.
  - (b) for the purposes of entry and temporary stay as set out in Section 1 of Annex 13, a stay of 90 days, which may be extended, shall be granted to nationals of Japan;
  - (c) for the purposes of entry and temporary stay as set out in Sections 2, 3 and 4 of Annex 13, a temporary visa shall be issued up to one year, and shall be extended for subsequent periods provided the conditions on which it is based remain in effect, without requiring the nationals to apply for permanent residence; and
  - (d) nationals of Japan who enter Chile may also obtain an identity card for foreigners.

## Appendix 2

1. For the purposes of Section 4 of Annex 13, Japan shall grant entry and temporary stay to nationals of Chile who will be engaged in the following professional business activities during their temporary stay in Japan on the basis of a personal contract with a public or private organization in Japan:

- (a) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences; or
- (b) activities which require knowledge at an advanced level pertinent to human science including jurisprudence, economics, business management and accounting, or which require ideas and sensitivity based on culture of a country other than Japan.

Note 1: The activities referred to in subparagraphs (a) and (b) respectively shall be those under the status of residence of "Engineer" and "Specialist in Humanities/International Services", whose scope is provided for in the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951).

Note 2: Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph (a) or (b) mean activities in which the nationals may not be able to be engaged without the application of specialized technology or knowledge of natural or human sciences acquired by them, in principle, by completing college education (i.e. bachelor's degree) or higher education.

2. For the purposes of Section 4 of Annex 13, Chile shall grant entry and temporary stay to nationals of Japan seeking to be engaged in a business activity as a professional or as a higher level technician, or to perform training functions related to a particular profession, including conducting seminars, on presentation of:

- (a) proof of nationality of Japan;
- (b) documentation demonstrating that the nationals will be so engaged and describing the purpose of entry;

- (c) documentation demonstrating the attainment of the relevant minimum educational requirements or alternative credentials; and
- (d) evidence of a pre-established employment with an enterprise of Chile, in a position that corresponds to his or her profession. This requirement is met by submitting a contract with an enterprise of Chile or an employment offer between the nationals and an employer of Chile and that such offer has been accepted.

Note: For the purposes of paragraph 2, the term "professional" means a national of Japan who is engaged in a specialty occupation requiring:

- (a) theoretical and practical application of a body of specialized knowledge; and
- (b) attainment of a post secondary degree in the specialty requiring four or more years of study (or the equivalent of such a degree) as a minimum for entry into the occupation.