

Annex 7
referred to in Chapter 8

Specific Commitments
for the Movement of Natural Persons

Part 1
Specific Commitments of Japan

Japan may require a natural person of Mongolia seeking entry and temporary stay under the terms and conditions set out in each Section of this Part to obtain an appropriate visa or its equivalent prior to entry.

Section 1
Short-Term Business Visitors of Mongolia

Entry and temporary stay for a period not exceeding 90 days, which may be extended, shall be granted to a natural person of Mongolia 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.

Section 2
Intra-Corporate Transferees of Mongolia

1. Entry and temporary stay for a period of three months, one year or three or five years, which may be extended, shall be granted to a natural person of Mongolia (with respect to grant of entry and temporary stay for a period of three months, only where the expected period of his or her business activity in Japan is three months or less) who:

- (a) has been employed by a public or private organization that supplies services or invests in Japan, for a period not less than one year immediately preceding the date of his or her application for the entry and temporary stay in Japan;
- (b) is being transferred to a branch or representative office of that public or private organization in Japan, or another public or private organization constituted or organized in Japan owned or controlled by or affiliated with the former public or private organization; and
- (c) will engage in one of the following activities during his or her temporary stay in Japan:
 - (i) activities to direct the branch or representative office as its head;
 - (ii) activities to direct the latter public or private organization as its board member or auditor;
 - (iii) activities to direct one or more departments of the latter public or private organization; or
 - (iv) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences, or to human sciences, including jurisprudence, economics, business management and accounting, or activities which require ideas and sensitivity based on culture of a country other than Japan, recognized under the status of residence of "Engineer/Specialist in Humanities/International Services" provided for in the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951) as amended by the Law for Partial Amendments to the Immigration Control and Refugee Recognition Act (Law No. 74 of 2014).

Note: For the purposes of this Part, a public or private organization is "affiliated" with another public or private organization when the latter can significantly affect the decision making of the former on finance and business policy.

2. The activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph 1(c)(iv) mean the activities in which the natural person may not be able to engage without the application of specialized 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.

Section 3 Investors of Mongolia

Entry and temporary stay for a period of three months, one year or three or five years, which may be extended, shall be granted to a natural person of Mongolia (with respect to grant of entry and temporary stay for a period of three months, only where the expected period of his or her business activity in Japan is three months or less) who will engage in one of the following activities during his or her temporary stay in Japan:

- (a) activities to invest in business in Japan and manage such business;
- (b) activities to manage business in Japan on behalf of a person other than that of Japan who has invested in such business; or
- (c) conduct of business in Japan in which a person other than that of Japan has invested.

Section 4
Natural Persons of Mongolia Who Engage in
Professional Services

Entry and temporary stay for a period of three months, one year or three or five years, which may be extended, shall be granted to a natural person of Mongolia (with respect to grant of entry and temporary stay for a period of three months, only where the expected period of his or her business activity in Japan is three months or less) who is a legal, accounting or taxation service supplier qualified under the laws and regulations of Japan and who will engage in one of the following activities during his or her temporary stay in Japan:

- (a) legal services supplied by a lawyer qualified as "Bengoshi" under the laws and regulations of Japan;
- (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 "Gaikoku-Ho-Jimu-Bengoshi" under the laws and regulations of Japan;
- (c) legal services supplied by a patent attorney qualified as "Benrishi" under the laws and regulations of Japan;
- (d) legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under the laws and regulations of Japan;
- (e) accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under the laws and regulations of Japan;
- (f) taxation services supplied by a tax accountant qualified as "Zeirishi" under the laws and regulations of Japan;
- (g) legal services supplied by a judicial scrivener qualified as "Shiho-Shoshi" under the laws and regulations of Japan;

- (h) legal services supplied by an administrative scrivener qualified as "Gyousei-Shoshi" under the laws and regulations of Japan;
- (i) legal services supplied by a certified social insurance and labor consultant qualified as "Shakai-Hoken-Romushi" under the laws and regulations of Japan; or
- (j) legal services supplied by a land and house surveyor qualified as "Tochi-Kaoku-Chosashi" under the laws and regulations of Japan.

Section 5
Natural Persons of Mongolia Who Engage
in Business Activities Which Require Technology
or Knowledge at an Advanced Level
on the Basis of a Contract with
Public or Private Organizations in Japan

1. Entry and temporary stay for a period of three months, one year or three or five years, which may be extended, shall be granted to a natural person of Mongolia (with respect to grant of entry and temporary stay for a period of three months, only where the expected period of his or her business activity in Japan is three months or less) 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 organization in Japan which correspond to:

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

under the status of residence of "Engineer/Specialist in Humanities/International Services", whose scope is provided for in the Immigration Control and Refugee Recognition Act as amended by the Law for Partial Amendments to the Immigration Control and Refugee Recognition Act (Law No. 74 of 2014).

2. The activities that require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph 1(a) mean the activities in which the natural person may not be able to engage without the application of specialized 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. Entry and temporary stay shall be granted under subparagraph 1(a) to a natural person of Mongolia who has not completed college education or higher education, provided that he or she has passed the examinations on information processing technology and will engage in activities referred to in the said subparagraph which require technology or knowledge pertaining to information processing.

4. The examinations referred to in paragraph 3 shall be those falling under the category notified from the Government of Japan to the Government of Mongolia.

Section 6 Accompanying Spouse and Children

1. Entry and temporary stay shall be granted to a spouse and children accompanying a natural person of Mongolia who has been granted entry and temporary stay pursuant to Sections 2 through 5, in principle for the same period as the period of temporary stay granted to the natural person, provided that such spouse and children obtain maintenance from the natural person and engage in daily activities recognized under the status of residence of "Dependents" provided for in the Immigration Control and Refugee Recognition Act.

2. A spouse who has been granted 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 Immigration Control and Refugee Recognition Act.

Note: For the purposes of this Section, the term "spouse" or "children" means spouse or children recognized as such in accordance with the laws and regulations of Japan.

Part 2
Specific Commitments of Mongolia

Mongolia may require a natural person of Japan seeking entry and temporary stay under the terms and conditions set out in each Section of this Part to obtain an appropriate visa prior to entry.

Section 1
Short-Term Business Visitors of Japan

Entry and temporary stay for an initial period of 30 days, which may be extended, shall be granted to a natural person of Japan who will stay in Mongolia without acquiring remuneration from within Mongolia 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 meetings, business contacts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing investments in Mongolia.

Section 2
Intra-Corporate Transferees of Japan

1. Entry and temporary stay for a period of one year, which may be extended subject to the term of operation of a commercial presence in Mongolia of a juridical person of Japan, shall be granted to a natural person of Japan who is a manager, an executive or a specialist and who is being transferred to such commercial presence.

2. The term "manager" means a natural person within an organization who primarily directs the organization or a department or sub-division 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. "Manager" does not include first line supervisors, unless the employees supervised are professionals, nor does it include employees who primarily perform tasks necessary for the provision of the service or operation of an investment.

3. The term "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. "Executive" would not directly perform tasks related to the actual provision of the service or operation of an investment.

4. The term "specialist" means a natural person within an organization who possesses knowledge at an advanced level of expertise and who possesses proprietary knowledge of the organization's service, research equipment, techniques or management. "Specialist" may include but is not limited to members of licensed professions.

Section 3 Investors of Japan

Entry and temporary stay for a period of one year, which may be extended, shall be granted to a natural person of Japan who will engage in one of the following activities permitted by the laws and regulations of Mongolia during his or her temporary stay in Mongolia:

- (a) activities to invest in business in Mongolia and manage such business;
- (b) activities to manage business in Mongolia on behalf of a person other than that of Mongolia who has invested in such business; or
- (c) conduct of business in Mongolia in which a person other than that of Mongolia has invested.

Section 4 Natural Persons of Japan Who Engage in Professional Services

Entry and temporary stay for a period of one year, which may be extended, shall be granted to a natural person of Japan who is a service supplier qualified under the laws and regulations of Mongolia.

Section 5
Natural Persons of Japan Who Engage
in Supplying Services Which Require Technology
or Knowledge at an Advanced Level
on the Basis of a Contract with
Public or Private Organizations in Mongolia

1. Service contract between a natural person of Japan and a public or private organization in Mongolia

Entry and temporary stay for a period of one year, which may be extended, shall be granted to a natural person of Japan who occupies a technical, advisory or supervisory position on the basis of his or her contract with a public or private organization in Mongolia in accordance with the relevant laws and regulations of Mongolia.

2. Service contract between a juridical person of Japan and a juridical person of Mongolia

A natural person who is an employee of a juridical person of Japan having no commercial presence in Mongolia may enter and stay in Mongolia for a period of 90 days or for the duration of the service contract referred to in subparagraph (a), with public or private organizations in Mongolia, whichever is shorter, provided that the following conditions and requirements shall be applied:

- (a) the juridical person of Japan has obtained a service contract from a juridical person of Mongolia engaged in supplying services in Mongolia. The competent authority of Mongolia may establish, at the time of granting entry and temporary stay in accordance with this Section, the necessary procedures to guarantee the *bona fide* character of the contract;
- (b) the natural person must possess:
 - (i) a university degree or a qualification document demonstrating knowledge of an equivalent level; and
 - (ii) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Mongolia; and

- (c) the natural person has been employed by the juridical person of Japan having no commercial presence in Mongolia for at least one year.

Section 6
Accompanying Spouse and Children

Entry and temporary stay shall be granted to a spouse and children accompanying a natural person of Japan granted entry and temporary stay pursuant to Sections 2 through 5.