

ANNEX VI
SPECIFIC COMMITMENTS OF JAPAN
FOR THE MOVEMENT OF NATURAL PERSONS

PART A

There may be limitations on the treatment accorded under this Part to natural persons who are permanent residents of Singapore, where Japan adopts or maintains measures pursuant to its domestic laws and regulations whose implementation would be prejudiced if the treatment accorded to natural persons who are permanent residents of Singapore is equivalent to the treatment accorded to natural persons who are nationals of Singapore.

Such measures include those taken in accordance with the provisions of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319, 1951).

A. Short-term business visitors

Entry and temporary stay will be granted to a natural person of Singapore who stays in Japan for a period not exceeding 90 days without acquiring remuneration from within Japan and without engaging in making direct sales to the general public or in supplying services himself, 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.

B. Intra-corporate transferees

1. Entry and temporary stay will be granted to a natural person of Singapore who has been employed by a juridical person of Singapore that supplies services in Japan or by an enterprise of Singapore that invests in Japan for a period not less than one year immediately preceding the date of his application for the entry and temporary stay in Japan, and who is being transferred to a branch office, a juridical person or an enterprise constituted or registered in Japan owned or controlled by the aforementioned juridical person or enterprise of Singapore, provided that he will be engaged in one of the following activities:

- (a) activities to direct a branch office as its head;
- (b) activities to direct a juridical person or an enterprise as its board member or auditor;

- (c) activities to direct one or more departments of a juridical person or an enterprise;
- (d) activities which require technology and/or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences, including information and communications technology; or
- (e) activities which require knowledge at an advanced level pertinent to jurisprudence, economics, business management, accounting or other human sciences.

Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in sub-paragraphs (d) and (e) above mean 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, in principle, by completing college education (i.e. bachelor's degree) or higher education.

2. Entry and temporary stay will be granted to a natural person of Singapore who has been employed by a juridical person of Singapore or has been a partner in it for a period not less than one year immediately preceding the date of his application for the entry and temporary stay in Japan, and who is being transferred to Japan and will return to the aforementioned juridical person of Singapore, provided that he will be engaged in one of the following activities of professional services which may be engaged only as a natural person and not as an employee:

- (a) legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law;
- (b) consultancy on law of jurisdiction where the service supplier is a qualified lawyer;
- (c) legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law;
- (d) legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law;
- (e) accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under Japanese law; or

- (f) taxation services supplied by a tax accountant qualified as "Zeirishi" under Japanese law.

PART B

There may be limitations on the treatment accorded to natural persons who are permanent residents of Singapore, where Japan adopts or maintains measures pursuant to its domestic laws and regulations whose implementation would be prejudiced if the treatment accorded to natural persons who are permanent residents of Singapore is equivalent to the treatment accorded to natural persons who are nationals of Singapore.

Such measures include those taken in accordance with the provisions of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319, 1951).

A. Investors

Entry and temporary stay will be granted to a natural person of Singapore who is engaged in the activities to commence the operation of business in Japan, to invest in business in Japan and to operate or manage that business, excluding the activities to engage in the operation or management of business which are required to be carried out by "Gaikokuhojimubengoshi", "Gaikokukoninkaikeishi" or those with other legal qualifications. Entry and temporary stay may be granted as long as the person concerned continues to meet the criteria and conditions stipulated at the time of his entry into Japan.

B. Natural persons who engage in work on the basis of a personal contract with public or private organisations in the territory of Japan

Entry and temporary stay will be granted to a natural person of Singapore who engages in work which requires technology and/or knowledge pertinent to engineering on the basis of a personal contract with public or private organisations in the territory of Japan. Entry and temporary stay may be granted as long as such person concerned continues to meet the criteria and conditions stipulated at the time of his entry into Japan.

SPECIFIC COMMITMENTS OF SINGAPORE
FOR THE MOVEMENT OF NATURAL PERSONS

Definitions

For the purposes of Singapore's specific commitments:

- (a) the term "managers" means natural persons within an organisation who primarily direct the organisation or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or take other personnel actions such as promotion or leave authorisation, and exercise discretionary authority over day-to-day operations. "Managers" 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;
- (b) the term "executives" means natural persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making, and receive only general supervision or direction from higher level executives, the board of directors, or stockholders of the business. Executives would not directly perform tasks related to the actual provision of the service or the operation of an investment; and
- (c) the term "specialists" means natural persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation's service, research equipment, techniques, or management. "Specialists" may include but is not limited to members of licenced professions.

PART A

A. Short-term business visitors

- 1. Business visitors will be granted an initial stay of up to one month upon arrival. The stay may be extended up to a maximum of three months upon application.
- 2. "Business visitors" means natural persons of Japan who seek temporary entry to Singapore to:

- (a) negotiate the sale of services or goods where such negotiations do not involve direct sales to the general public;
- (b) establish an investment; or
- (c) conduct or participate in business-related conferences, seminars or workshops;

provided that such persons do not acquire remuneration from within Singapore and are not seeking employment or residence in Singapore.

B. Intra-corporate transferees

1. Entry for intra-corporate transferees is limited to a two year period that may be extended for periods of up to three additional years each time for a total term not exceeding eight years. Further extensions may be possible.

2. "Intra-corporate transferees" refers to natural persons of Japan who are managers, executives or specialists, who are employees of juridical persons of Japan that supply services in Singapore and enterprises of Japan that invest in Singapore through a branch, subsidiary, or affiliate established in Singapore and who have been in the prior employ of their firms in Japan for a period of not less than one year immediately preceding the date of their application for admission.

PART B

A. Investors

1. Entry for investors is limited to a two year period that may be extended for periods of up to three additional years each time for a total term not exceeding eight years. Further extensions may be possible.

2. "Investor" refers to a natural person of Japan who establishes an enterprise in Singapore, to which the person has committed a substantial amount of capital, and who is a manager or an executive in the enterprise.

B. Natural persons who engage in work on the basis of a personal contract with public or private organisations in the territory of Singapore

1. Entry for natural persons with a personal contract with public or private organisations in the territory of Singapore who are employed as engineers is limited to a two year period that may be extended for periods of up to three additional years each time for a total term not exceeding eight years. Further extensions may be possible.

2. "Engineers" refers to natural persons of Japan who possess acceptable educational qualifications, experience and any other conditions as required under the domestic laws and regulations of Singapore to provide engineering services in Singapore.