

## **ANNEX 6-B**

### **The Movement of Natural Persons**

#### *Scope*

1. This Annex shall apply to measures by a party affecting the entry or temporary stay of natural persons of the other Party into its territory. Such natural persons may include:

- (a) business visitors;
- (b) independent professionals;
- (c) contractual service suppliers;
- (d) intra-corporate transferees.

2. This Annex shall not apply to measures affecting natural persons of a Party seeking access to the employment market of the other Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

#### *General Principles*

3. This Annex reflects the preferential trading relationship between the Parties, the common objective to facilitate entry, temporary stay of natural persons on reciprocal basis and in accordance with the Parties' Schedules of specific commitments, the need of establishing transparent, criteria and procedures for entry, temporary stay while ensuring border security, and protecting the domestic labor force and permanent employment in their respective territories.

4. Nothing contained in this Annex shall prevent a Party from applying measures to regulate the entry or temporary stay of natural persons of the other Party in its territory, including those measures necessary to protect the integrity of its territory and to ensure the orderly movement of natural persons across its borders, provided that such measures are not applied in a manner so as to nullify or impair the benefits accruing to the other Party under the terms of the specific commitment.

5. The sole fact of requiring natural persons to meet visa requirements prior to entry to the territory of a Party shall not be regarded as nullifying or impairing benefits under this Annex.

### *Definitions*

6. For purposes of this Annex, the following definitions shall apply:
- (a) **Granting Party** means a Party who receives an application for entry, temporary stay, or work from a natural person of the other Party who is covered by paragraphs 1 and 2;
  - (b) **Immigration Formality** means a visa, permit, or other documents or electronic authorization, granting a natural person of one Party the right to enter, and temporarily stay, or to establish commercial presence in the territory of the Granting Party;
  - (c) **Temporary stay** means stay by a natural person covered by the paragraphs 1 and 2, without the intent to stay or reside on a permanent basis.

### *Grant of Entry and Temporary Stay*

7. Each Party shall, in accordance with that Party's schedule of commitments in Appendix 6-B-1 through 6-B-4, grant temporary entry or temporary stay in accordance with this Annex to natural persons of the other Party provided those natural persons:

- (a) follow prescribed application procedures for the immigration formality sought; and
- (b) meet all relevant eligibility requirements for temporary entry or temporary stay to the Granting Party.

8. Any fees imposed in respect of the processing of an application for temporary entry or temporary stay, shall be reasonable and in accordance with domestic laws.

9. A Party may deny an application for temporary entry or temporary stay to natural persons of the other Party that does not comply with the paragraph 7 (a) and (b).

10. A Party may refuse to issue an immigration formality authorizing employment to a business person where the entry of that person might adversely affect:

- (a) the settlement of any labor dispute that is in progress at the place or intended place of employment; or
- (b) the employment of any person who is involved in such dispute.

11. The sole fact that a Party grants temporary entry to a natural person of the other Party pursuant to this Annex shall not be construed to exempt that natural person from meeting any applicable licensing or other requirements, including any mandatory codes of conduct, to practise a profession or otherwise engage in business activities.

#### *Provision of Information*

12. In the application of Article 6.9, each Party shall make publicly available, or shall ensure that its competent authorities make publicly available, information necessary for an effective application for the grant of temporary entry or temporary stay and work in its territory. Such information shall be kept updated.

13. The information referred to in the paragraph 12 shall include a description of, in particular:

- (a) all categories of visas and work permits relevant to the entry, temporary stay and work of natural persons covered by this Annex;
- (b) requirements and procedures for application for, and issuance of, first-time entry, temporary stay and work permits, including information on documentation required, conditions to be met and method of filing; and
- (c) requirements and procedures for application for, and issuance of, renewal of temporary stay and work permits.

14. Upon the entry into force of this Annex, each Party shall provide the other Party with the details of relevant publications or web-sites where information referred to in the paragraph 13 is made available.

#### *Expedition Application Procedures*

15. Where an application for an immigration formality is required by a Party, that Party shall process promptly complete applications for immigration

formalities or extensions thereof received from natural persons of the other Party.

16. When the competent authorities of a Party require additional information from the applicant in order to process its application, they shall notify the applicant without undue delay.

17. Upon request by the applicant, and within a reasonable period after receiving a complete application for an immigration formality entry, temporary stay, or work from a natural person of the other Party, the competent authorities of Granting Party shall notify the applicant of:

- (a) the receipt of the application; and
- (b) the status of application.

18. The competent authorities of each Party shall notify the applicant for entry, temporary stay or work permit of the outcome of its application promptly after a decision has been taken. The notification shall include the period of stay and other relevant conditions.

19. In the case of incomplete application, at the request of the applicant, the Party shall notify the applicant of all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies.

20. If an application is terminated or denied, each Party shall, where applicable, inform the applicant in writing, e-mail and without undue delay the reasons for such action. The applicant will have the possibility of resubmitting, at its discretion, a new application.

#### *Contact Points*

21. Each Party shall establish contact points to facilitate the access of the other Party's service suppliers to the information referred to in the paragraphs 12, 13 and 14.

22. The contact points referred to in the paragraph 21 are:

- (a) for the Republic of Korea,

Director  
Visa and Residence Division  
Korea Immigration Service  
Ministry of Justice,

and

(b) for the Republic of Indonesia,

Director  
Trade in Services Negotiations  
Directorate General of International Trade Negotiations  
Ministry of Trade

or their respective successors.

*Dispute Settlement*

23. Parties shall endeavor to settle any differences arising out of the implementation of this Annex through consultations.

24. No Party shall have recourse to Chapter Ten (Dispute Settlement) regarding a refusal to grant temporary entry, unless:

- (a) the matter involves a pattern of practice; and
- (b) the natural persons affected have exhausted all available administrative remedies regarding the particular matter.