

Annex 8
referred to in Chapter 9

Specific Commitments for Entry and Temporary Stay
of Nationals for Business Purposes

Part 1
Specific Commitments of Japan

Section 1
Short-term Business Visitors

1. Entry and temporary stay for a period not exceeding 90 days, which may be extended, shall be granted to nationals for business purposes of Peru 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 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 Area of Japan.

2. Entry and temporary stay referred to in paragraph 1 shall be granted to nationals for business purposes of Peru, without requiring the nationals to obtain an authorization to work, provided that the nationals comply with the immigration laws and regulations of Japan applicable to entry and temporary stay which are not inconsistent with the provisions of Chapter 9, on presentation of necessary documents for immigration examination including:

- (a) proof of nationality of Peru;
- (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. Japan shall provide that nationals for business purposes of Peru referred to in paragraph 1 may satisfy the requirements of subparagraph 2(c) by demonstrating that:

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

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

5. Japan shall not:

- (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.

Section 2 Intra-corporate Transferees

1. Entry and temporary stay for a period of one or three years, which may be extended, shall be granted to nationals for business purposes of Peru who:

- (a) have been employed by an enterprise that supplies services or invests in the Area of Japan for a period not less than one year immediately preceding the date of their application for the entry and temporary stay in Japan;

- (b) are being transferred to the branch or representative office of the enterprise referred to in subparagraph (a) in Japan or another enterprise constituted or organized in Japan owned or controlled by, or affiliated with, the enterprise referred to in subparagraph (a); and
- (c) will be engaged in one of the following activities during their temporary stay in Japan:
 - (i) activities to direct the branch or representative office of the enterprise referred to in subparagraph (a) as its head;
 - (ii) activities to direct the enterprise referred to in subparagraph (b) as its board member or auditor;
 - (iii) activities to direct one or more departments of the enterprise referred to in subparagraph (b);
 - (iv) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences, recognized under the status of residence of "Engineer" provided for in the Immigration Control and Refugee Recognition Act of Japan (Cabinet Order No. 319 of 1951); or
 - (v) activities which require knowledge at an advanced level pertinent to human sciences, including jurisprudence, economics, business management and accounting, or which require ideas and sensitivity based on culture of a country other than Japan, recognized under the status of residence of "Specialist in Humanities/International Services" provided for in the Immigration Control and Refugee Recognition Act of Japan.

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

2. Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph 1(c)(iv) or 1(c)(v) mean activities in which the nationals referred to in paragraph 1 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, or by having been engaged in the activities for at least 10 years.

3. Japan shall not impose or maintain any quantitative restriction relating to entry and temporary stay under paragraph 1.

Section 3 Investors

1. Entry and temporary stay for a period of one or three years, which may be extended, shall be granted to nationals for business purposes of Peru who will be engaged in one of the following activities during their temporary stay in Japan:

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

Note: The term "business" referred to in this Section includes Peruvian restaurants and cuisine services.

2. Japan shall not impose or maintain any quantitative restriction relating to entry and temporary stay under paragraph 1.

Section 4
Nationals for Business Purposes of Peru
Who Engage in Professional Services

Entry and temporary stay for a period of one or three years, which may be extended, shall be granted to nationals for business purposes of Peru who are legal, accounting or taxation service suppliers qualified under the laws and regulations of Japan and who will be engaged in one of the following activities during their 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; or
- (f) taxation services supplied by a tax accountant qualified as "Zeirishi" under the laws and regulations of Japan.

Section 5

Nationals for Business Purposes of Peru Who Engage in Business Activities, Which Require Technology or Knowledge at an Advanced Level or Which Require Specialized Skills belonging to Particular Fields of Industry, on the Basis of a Personal Contract with a Public or Private Organization in Japan

1. Entry and temporary stay for a period of one or three years, which may be extended, shall be granted to nationals for business purposes of Peru who will be engaged in one of the following business activities of supplying services during their temporary stay in Japan on the basis of a personal contract, including employment 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 under the status of residence of "Engineer" provided for in the Immigration Control and Refugee Recognition Act of Japan;
- (b) activities which require knowledge at an advanced level pertinent to human sciences, including jurisprudence, economics, business management and accounting, or which require ideas and sensitivity based on culture of a country other than Japan, under the status of residence of "Specialist in Humanities/International Services" provided for in the Immigration Control and Refugee Recognition Act of Japan; or
- (c) activities which require specialized skills relating to Peruvian cuisine under the status of residence of "Skilled Labor" provided for in the Immigration Control and Refugee Recognition Act of Japan, provided that the nationals for business purposes of Peru who:
 - (i) will be engaged in such activities satisfies the following requirements:

- (A) having work experience as Peruvian cook for at least five years, inclusive of the time spent at an educational institution to fulfill the requirements for obtaining a diploma issued by such institution on behalf of the Nation of Peru;
 - (B) having passed the Peruvian national examinations on Peruvian cuisine for licensing Peruvian cooks, which shall be those that are notified without undue delay from the Government of Japan to the Government of Peru when the Government of Peru notifies the Government of Japan that system of such examinations is established; and
 - (C) receiving or having received adequate remuneration as Peruvian cook in Peru in the one year period immediately preceding the date of application for the entry and temporary stay in Japan; or
- (ii) has work experience as Peruvian cook for at least seven years, and has obtained a diploma issued by an educational institution on behalf of the Nation of Peru after having studied to obtain the skills as Peruvian cook at the institution for at least three years.

Note 1: For the purposes of this subparagraph, the term "adequate remuneration" means the amount of remuneration or its equivalent in cash, which is more than the amount of the average wage of employees in all industries in Peru, which shall be calculated on an annual basis by the Japanese authorities, based on the latest available statistical data provided in the National Survey of Salaries and Wages published by the Ministry of Labor and Promotion of Employment of Peru.

Note 2: For reference purposes, "the amount of the average wage" referred to in Note 1 as of June 2007 is 2,128.00 Nuevos Soles.

Note 3: The provisions of subparagraph (ii) shall apply to the nationals of Peru until the examinations referred to in subparagraph (i) (B) are notified from the Government of Japan to the Government of Peru.

2. Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraph 1(a) or 1(b) mean activities in which the nationals referred to in paragraph 1(a) or 1(b) 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, or by having been engaged in the activities for at least 10 years, including the period of time spent for studying the subject pertaining to such technology or knowledge at an educational institution.

Part 2
Specific Commitments of Peru

Section 1
Business Visitors

1. Entry and temporary stay for a period not exceeding 183 days, shall be granted to nationals for business purposes of Japan who will stay in Peru, for the purposes of participating in a business activity set out in Appendix 1.

2. Entry and temporary stay referred to in paragraph 1 shall be granted to nationals for business purposes of Japan, without requiring the nationals to obtain an authorization to work, provided that the nationals comply with the immigration laws and regulations of Peru applicable to entry and temporary stay which are not inconsistent with the provisions of Chapter 9, on presentation of the following necessary documents for immigration examination:

- (a) proof of nationality of Japan;
- (b) documentation demonstrating that the nationals will be engaged in the business activities specified in Appendix 1 and describing the purpose of entry; and
- (c) evidence demonstrating that the proposed business activity is international in scope and the nationals are not seeking to enter in the domestic employment market.

3. Peru shall provide that nationals for business purposes of Japan may satisfy the requirements of subparagraph 2(c) by demonstrating that:

- (a) the primary source of remuneration for the proposed business activity is outside Peru; and
- (b) the national's principal place of business and the actual place of accrual of profits, at least predominantly, remain outside Peru.

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

5. Peru shall not:

- (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.

Section 2 Intra-corporate Transferees

1. Entry and temporary stay for a period of one year, shall be granted to nationals for business purposes of Japan who have been employed by an enterprise subordinate to a corporation and who are being transferred as employees of the subsidiary, branch, designated affiliate or headquarter of that corporation as executives, managers or specialists, provided that the nationals comply with immigration measures applicable to entry and temporary stay.

Note: The period referred to in paragraph 1 is renewable for consecutive periods, the number of times that it is requested, to the extent that the conditions which motivated its granting are maintained.

2. Peru may require labor contract approval by the Labor Administrative Authority as a prior requirement for entry and temporary stay.

3. Nothing in this Section shall be construed as affecting the labor legislation of Peru.

4. For the purposes of this Section:

- (a) the term "executive" means a national for business purposes 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 and/or stockholders of the business;
- (b) the term "manager" means a national for business purposes within an organization who primarily directs the organization, or a department or subdivision 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; and
- (c) the term "specialist" means an employee who possesses specialized knowledge of the enterprise's products or services and its application in international markets, or an advanced level of expertise or knowledge of the company's processes and procedures.

Section 3 Investors

1. Peru shall grant entry and temporary stay for a period of one year, and provide confirming documentation to a national for business purposes of Japan seeking to establish, develop or administer an investment to which the national or an enterprise employing that national has committed, or is in the process of committing, a substantial amount of capital, in a capacity that is supervisory or executive, or which requires essential skills, provided that the national complies with existing immigration measures applicable to entry and temporary stay.

Note 1: If the national for business purposes of Japan has already invested in the Area of Peru, the period of one year is renewable for consecutive periods, the number of times that it is requested, to the extent that the conditions which motivated its granting are maintained. If the national is in the process of committing an investment, it shall be granted entry and temporary stay for a period up to 183 days.

Note 2: The term "investment" referred to in this Section includes those related to Japanese restaurants and cuisine services.

2. Peru shall not:

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

Section 4 Professionals and Technicians

1. Peru shall grant entry and temporary stay for a period of one year, and provide confirming documentation to a national for business purposes of Japan seeking to engage in a business activity at a professional or technical level in accordance with Appendix 2, either as an independent professional or technician, or as a professional or technician in a subordinate relationship, including training activities related to a particular profession, provided that the national complies with existing immigration measures applicable to entry and temporary stay, on presentation of:

- (a) proof of nationality of Japan;
- (b) documentation demonstrating that the national will be engaged in the business activity referred to in this paragraph and describing the purpose of entry;

- (c) documentation demonstrating the attainment of the relevant minimum educational requirements or alternative credentials; and
- (d) labor contract approved by the Labor Administrative Authority, only when develops activities as professional or technician under subordinated relationship.

Note: The period of one year referred to in this paragraph is renewable for consecutive periods, the number of times that it is requested, to the extent that the conditions which motivated its granting are maintained.

2. Peru shall not impose or maintain any quantitative restriction relating to entry and temporary stay under paragraph 1, except in the case of professionals or technicians under subordinated relationship.
3. Peru may require a national for business purposes of Japan seeking entry and temporary stay under this Section to comply with the requirements of the specific legislation for the practice of a profession or activity.
4. Nothing in this Section shall be construed as affecting the labor legislation of Peru.
5. For the purposes of this section:
 - (a) the term "independent professional or technician" means a professional or technician who enters the Area of Peru temporarily in order to supply a service pursuant to a contract with a service consumer located in the Area of Peru when:
 - (i) the professional or technician supplies the service as a self-employed person;
 - (ii) the professional or technician has obtained a service contract in the Area of Peru; and
 - (iii) the remuneration for the contract is to be paid solely to the professional or technician in the Area of Peru;

- (b) the term "professional" means a national for business purposes of Japan who is engaged in a specialty occupation requiring:
 - (i) theoretical and practical application of a body of specialized knowledge, and who is eligible to obtain the certification or license to practice, if required; and
 - (ii) attainment of a post-secondary degree in the specialty requiring four, or more years of study as a minimum for entry into the occupation;
- (c) the term "professional or technician in a subordinate relationship" means a professional or technician of Japan who enters the Area of Peru temporarily in order to supply a service under the direction of an employer in Peru, who has the authority to regulate, direct and sanction the activities of the employee; and
- (d) the term "technician" means a national for business purposes of Japan who is engaged in a specialty occupation requiring:
 - (i) theoretical and practical application of a body of specialized knowledge, and who is eligible to obtain the certification or license to practice, if required; and
 - (ii) attainment of a post-secondary or technical degree requiring three, or more years of study, or the equivalent of such a degree, as a minimum for entry into the occupation.

Appendix 1
Business Visitors

The business activities covered by Section 1 of Part 2 shall include:

- (a) Meetings and Consultations
Attending meetings, seminars or conferences, or being engaged in consultations with business associates by nationals for business purposes;
- (b) Research and Design
Conducting research for an enterprise located in Japan by technical, scientific and statistical researchers;
- (c) Growth, Manufacture and Production
Conducting commercial transactions for an enterprise located in Japan by purchasing and production management personnel;
- (d) Marketing
 - (i) Conducting research or analysis for an enterprise located in Japan by market researchers and analysts; and
 - (ii) Attending a trade convention by trade-fair and promotional personnel;
- (e) Sales
 - (i) Taking orders or negotiating contracts for goods or services for an enterprise located in Japan by sales representatives and agents but not delivering goods or providing services; and
 - (ii) Purchasing for an enterprise located in Japan by buyers;
- (f) Distribution
Supplying consulting services regarding the facilitation of the import or export of goods by customs brokers;

- (g) After-Sales Service
Supplying services or training workers to supply services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside Peru, during the life of the warranty or service agreement by installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to a seller's contractual obligation;

- (h) Financial Services
With respect to financial services, this Appendix only includes financial services personnel of an enterprise located in Japan, engaging in financial services, where the provision of such financial services does not require the authorization of the competent authority of Peru or where such financial services are explicitly committed for Cross-Border Trade in Services under Chapter 7; and

- (i) General Service
 - (i) Engaging in a commercial transaction for an enterprise located in Japan by management and supervisory personnel;

 - (ii) Consulting with business associates, or attending or participating in conventions by public relations and advertising personnel;

 - (iii) Attending or participating in conventions or conducting a tour that has begun in Japan by tourism personnel (tour and travel agents, tour guides or tour operators);

 - (iv) Attending or participating in gastronomic events or exhibitions, or consulting with business associates by cook personnel (cookers and assistants);

 - (v) Supplying services as employees of an enterprise located in Japan by translators or interpreters;

- (vi) Attending meetings, seminars or conferences, or being engaged in consultations with business associates by information and communication technology service providers; and
- (vii) Seeking to offer their services in the Area of Peru by franchise traders and developers.

Appendix 2
Professionals and Technicians

1. Professionals

The professionals listed below shall not be covered by Section 4 of Part 2:

- (a) Managers in Health, Education, Social and Community Services;
- (b) Social Workers;
- (c) College and Other Vocational Instructors;
- (d) Secondary or Elementary School Teachers and Counselors; and
- (e) Judges, Lawyers and Notaries except foreign legal consultants.

2. Technicians

The technicians listed below shall be covered by Section 4 of Part 2:

- (a) Civil Engineering Technologists and Technicians;
- (b) Electrical and Electronics Engineering Technologists and Technicians;
- (c) Mechanical Engineering Technologists and Technicians;
- (d) Industrial Engineering and Manufacturing Technologists and Technicians;
- (e) Construction Inspectors and Estimators;
- (f) Engineering Inspectors, Testers and Regulatory Officers;

- (g) Supervisors in the following: Machinists and Related Occupations; Printing and Related Occupations; Mining and Quarrying; Oil and Gas Drilling and Service; Mineral and Metal Processing; Petroleum, Gas and Chemical Processing and Utilities; Food, Beverage and Tobacco Processing; Plastic and Rubber Products Manufacturing; Forest Products Processing; and Textile Processing;
- (h) Contractors and Supervisors in the following: Electrical Trades and Telecommunications Occupations; Pipefitting Trades; Metal Forming, Shaping and Erecting Trades; Carpentry Trades; Mechanic Trades; Heavy Construction Equipment Crews; and Other Construction Trades, Installers, Repairers and Servicers;
- (i) Electricians;
- (j) Industrial Instrument Technicians and Mechanics;
- (k) Aircraft Instrument, Electrical and Avionics Mechanics, Technicians and Inspectors;
- (l) Underground Production and Development Miners;
- (m) Oil and Gas Well Drillers, Servicers and Testers;
- (n) Graphic Designers and Illustrators;
- (o) Interior Designers;
- (p) Chefs;
- (q) Computer and Information System Technicians;
- (r) International Selling and Purchasing Agents;
- (s) Tourist Guides;
- (t) Translators and Interpreters;
- (u) Hotels Related Occupations (including barman and croupier occupations); and
- (v) Vehicles Equipment Repairers.