

ANNEX 9A

INDIA'S SCHEDULE OF SPECIFIC COMMITMENTS ON TEMPORARY MOVEMENT OF NATURAL PERSONS

The Schedule of Australia shall not be used to interpret India's commitments or obligations under Chapter 9 (Temporary Movement of Natural Persons) or other Chapters of this Agreement.

Category of Natural Persons	Duration of stay
A. Business visitors	
<p>1. Business visitors being natural persons seeking to travel to India for business purposes whose remuneration and financial support for the duration of the visit must be derived from sources outside India and who must not engage in making direct sales to the general public or in supplying the goods or services themselves.</p> <p>Business visitors comprises:</p> <ul style="list-style-type: none">(a) business visitors being natural persons not based in India who are sales representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier;(b) business visitors being natural persons seeking to travel to India for the purpose of participating in business negotiations or meetings;(c) business visitors being natural persons who are seeking to travel to India for business purposes, including investment purposes; and(d) business visitors being natural persons who are seeking entry for the purposes of	Entry and temporary stay of business visitors shall be granted for a period not more than 180 days, which may be extended at the discretion of India and subject to its laws.

<p>negotiating the sale of goods where such negotiations do not involve direct sale to the general public.</p> <p>2. Access of business visitors to India is subject to the condition that the business visitors will not be engaged in making direct sales to the general public or in supplying services or making the investment (except establishing investments) themselves.</p> <p>3. A visa shall be granted provided the business visitors:</p> <ul style="list-style-type: none"> (a) presents proof of nationality; and (b) does not receive any remuneration from a source located within the Party granting the visa. 	
<p>B. Intra-Corporate Transferees</p> <p>1. Intra-Corporate Transferees comprises natural persons of Australia within the categories of employees listed below who are in the employment of a juridical person of Australia and being transferred temporarily to a branch, a representative office or a juridical person owned or controlled by the aforesaid juridical person in the context of provision of a service in India:</p> <ul style="list-style-type: none"> (a) Managers, being persons who direct a branch office or one or more departments as their head, or supervise or control the work of other supervisory, professional or managerial personnel, and who have the authority to appoint or remove the personnel and powers to exercise discretionary authority over day-to-day operations; (b) Executives, being persons who are in senior positions within a juridical person, including a 	<p>Entry and temporary stay of intra-corporate transferees, who otherwise meet the criteria for the granting of an immigration visa, shall be granted for an initial period of up to 1 year or the period of the contract, whichever is less, subject to any other condition prescribed under India's immigration regulations. The period of stay may be extended on a year-to-year basis for a total term not exceeding 5 years.</p>

<p>branch, who primarily direct the management, have wide decision-making powers and either are members of the board of directors or receive directions from the board or the general body of shareholders; or</p> <p>(c) Specialists, being persons who possess high qualifications and knowledge at an advanced level relevant to the organisation's activities or of the organisation's research, equipment, techniques or management and may include persons who are members of accredited professional bodies.</p>	
<p>C. Contractual Service Suppliers</p>	
<p>1. Contractual Service Suppliers comprises employees of juridical persons who are:</p> <p>(a) employees of an Australia-based company or partnership who travel to India temporarily for short periods of stay of up to 1 year or the duration of their contract, whichever is less, in order to perform a service pursuant to a contract between their employer and a client(s) located in India; or</p> <p>(b) employees of an Australia-based company or partnership who travel to India temporarily for short periods of stay of up to 1 year in order to fulfil qualification and licensing requirements where presence in India is an essential condition for the fulfilment of these requirements.</p> <p>2. The contract has to be obtained in one of the sectors listed below and is subject to the conditions inscribed in Chapter 9 (Temporary Movement of Natural Persons) and the additional conditions, if any, mentioned in the sector or the relevant sub-</p>	<p>Entry and temporary stay of contractual service suppliers shall be granted for an initial period of up to 1 year or the period of the contract, whichever is less, provided all immigration measures applicable are complied with.</p>

sector in India's Schedule in Annex 8E (Schedules of Specific Commitments):

- (a) Engineering services;
- (b) Integrated engineering services;
- (c) Architectural services;
- (d) Urban planning and landscape architectural services;
- (e) Taxation advisory services (excluding legal advisory and legal representational services on tax matters);
- (f) Accounting and book keeping services (excluding auditing services);
- (g) Computer and related services;
- (h) R & D services;
- (i) Management consulting services (excluding all services relating to legal consultancy);
- (j) Services related to management consulting (excluding all services relating to legal consultancy);
- (k) Insurance and insurance related services, only in respect of advisory and consulting services;
- (l) Other financial services, only in respect of advisory and consulting services;
- (m) Advertising services;
- (n) Site investigation work;
- (o) Mining (advisory or consulting services only);

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| <p>(p) Telecommunication services, only in respect of advisory and consulting services;</p> <p>(q) Environmental services;</p> <p>(r) Related scientific and technical consulting services;</p> <p>(s) Technical testing and analysis services;</p> <p>(t) Transport (advisory and consulting services only);</p> <p>(u) Maintenance and repair of vessels, rail, road, and aircraft equipment;</p> <p>(v) Translation and interpretation services (excluding official or certified activities);</p> <p>(w) Maintenance and repair of personal and household goods;</p> <p>(x) Manufacturing (advisory and consulting services only);</p> <p>(y) Hotel and restaurant services;</p> <p>(z) Travel agency and tour operator services;</p> <p>(aa) Tourist guides services.</p> | |
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3. Access of contractual service suppliers to India shall be available only in the specific service sector in which the relevant contract has been entered into and employees should have appropriate educational and professional qualifications relevant to the services to be provided.

4. Further, entry and temporary stay is subject to the requirements of:

- (a) requisite visa;
- (b) the conditions attached to entry and temporary stay under such a visa; and
- (c) fulfilment of specific requirements regarding information in support of the application such as required documentation, including a proof of contract and possession of requisite educational and professional qualifications relevant to the service to be provided including work experience.

5. Entry and temporary stay is also subject to any other condition prescribed under India's immigration regulations.

D. Independent Professionals

1. Independent Professionals comprises:

- (a) natural persons who travel to India temporarily for short periods of stay of up to 12 months with permission to extend for a maximum of 3 months or the duration of the contract, whichever is less, in order to perform a service pursuant to a contract(s) between them and a client(s) located in India for which they possess the necessary academic credentials and qualifications and have obtained, wherever necessary, registration with the professional body, and remuneration is to be paid solely to the natural person; and
- (b) natural persons who travel to India temporarily for short periods of stay of up to 12 months in order to fulfil qualification and licensing requirements where presence in India is an

Entry and temporary stay of independent professionals shall be granted for an initial period of up to 1 year or the period of the contract, whichever is less provided all immigration measures applicable are complied with.

<p>essential condition for the fulfilment of these requirements.</p> <p>2. Entry granted in accordance with subparagraphs 1 (a) and (b) has to be obtained in one of the sectors listed below and is subject to the additional conditions mentioned in relation to the sector or the relevant sub-sector in India's Schedule in Annex 8E (Schedules of Specific Commitments):</p> <ul style="list-style-type: none"> (a) Accounting and book-keeping services; (b) Engineering services; (c) Integrated engineering services; (d) Architectural services; (e) Urban planning and landscape architectural services; (f) Computer and related services; (g) R & D services; (h) Management consulting services (excluding all services relating to legal consultancy); (i) Services related to management consulting (excluding all services relating to legal consultancy); (j) Hotel and restaurant services; (k) Travel agency and tour operator services; or (l) Tourist guides services. <p>3. Access of independent professionals to India under a category in paragraph 2 shall be available only in the specific service sector in which the relevant contract has been entered into and employees should have appropriate educational and</p>	
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<p>professional qualifications relevant to the services to be provided.</p> <p>4. Further, entry and temporary stay is subject to the requirements of:</p> <ul style="list-style-type: none"> (a) requisite visa; (b) the conditions attached to entry and temporary stay under such a visa; and (c) fulfilment of specific requirements regarding information in support of the application such as required documentation, including a proof of contract and possession of requisite educational and professional qualifications relevant to the service to be provided including work experience. <p>5. Entry and temporary stay is also subject to any other condition prescribed under India's immigration regulations.</p>	
<p>E. Installer & Servicer</p>	
<p>1. India shall grant temporary entry to an installer and servicer of Australia, who otherwise meets its criteria for the grant of an immigration visa, for a duration of 3 months or the period of contract, whichever is less.</p> <p>2. Such installers' and servicers' temporary entry shall be granted provided that the natural person:</p> <ul style="list-style-type: none"> (a) complies with immigration measures applicable to temporary entry; (b) provides proof of their nationality; (c) provides documentation demonstrating that he or she will be so engaged and describing the purpose of entry, including a bona fide letter of 	3 months or the period of the contract, whichever is less.

<p>contract from the entity engaging the services of the natural person in the host Party; and</p> <p>(d) provides documentation demonstrating the attainment of the relevant minimum educational requirements or alternative credentials.</p>	
Accompanying Spouse and Dependents	
<ol style="list-style-type: none"> 1. For a natural person of Australia who has been granted temporary entry and temporary stay, or an extension in temporary stay, under the commitments set out in categories (B), (C) & (D) of this Schedule, the accompanying spouse and dependents of that natural person are accorded temporary entry and temporary stay for an equal period to that of the natural person, provided that the stay in India of that natural person is for a period of 12 months or longer. 2. The working rights of the above mentioned accompanying spouse and dependents in India are subject to relevant domestic laws, regulations and rules. 	