WTO STRUCTURED DISCUSSIONS ON

INVESTMENT FACILITATION FOR DEVELOPMENT

communication from TURKEY

The following communication dated -- March 2020 is being circulated at the request of the delegation of Turkey.

This document includes the disciplines below as an official text proposal of Turkey which aims to contribute to the existing discussions/negotiations within the IFD Framework on the facilitation of movement of business persons engaging or seeking to engage in the conduct of investment activities.

This proposal should be read together with the text proposal of Turkey on “Objective”, “Scope” and “Definitions” inscribed in INF/IFD/RD..

SECTION XX:

FACILITATION OF MOVEMENT OF BUSINESS PERSONS FOR INVESTMENT PURPOSES

1. This Section applies to measures affecting the entry and temporary stay of business persons of a Member. For the purposes of this Section “business persons of a Member” means natural persons of a Member who engages or seeks to engage in the conduct of investment activities in the territory of another Member.

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

3. Nothing in this Section shall prevent a Member from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Member under this Framework.[[1]](#footnote-1)

4. Members recognize the importance of temporary movement of business persons to facilitate investment activities and ensure that all measures of general application covered by this Section are administered in a reasonable, objective and impartial manner.

5. Members shall make publicly available information on the requirements and procedures for entry and temporary stay including relevant forms and documents, and explanatory materials that will enable investors of the other Members to become acquainted with applicable requirements and procedures. This information shall be made available electronically and shall be kept updated.

6. The information referred to in paragraph 5 shall include, where applicable, the following information, inter alia;

(a) categories of visas and work permits or any similar type of authorization regarding entry and temporary stay;

(b) documentation and evidence required and conditions to be met;

(c) method of filing and options on where to file, such as consular offices or online;

(d) processing time;

(e) application fees;

(f) period of validity of the visas and work permits;

(g) conditions for extensions or renewal;

(h) available review and/or appeal procedures;

(i) reference to relevant immigration laws of general application; and

(j) respective requirements referred to in paragraph 17 of this Section.

7. Members shall establish or maintain appropriate mechanisms to respond to enquiries from interested persons regarding measures covered by this Section.

8. Documents required from the applicants for applications for the grant of entry and temporary stay shall be relevant and commensurate with the purpose for which they are collected.

9. Each Member shall limit any fees for processing of applications for entry and temporary stay to the approximate costs incurred.

10. In case of an incomplete application, Members shall inform the applicant without undue delay of the information required to complete the application and provide opportunity to the applicant to correct any deficiencies within a reasonable period of time.

11. If a Member requires additional information from an applicant in order to process the application for temporary stay, the authority shall notify the applicant without undue delay and provide the applicant with the opportunity to supply that additional information within a reasonable period of time.

12. Each Member shall expeditiously process complete applications for the grant of entry and temporary stay submitted by natural persons of other Members covered by this Article.

13. Upon the applicant’s request, the Member concerned shall, without undue delay, provide information concerning the status of the applicant’s application. This information shall normally be provided free of charge.

14. After a decision has been taken, the Member concerned shall promptly notify the applicant of the outcome of its application.

15. If an application is approved, the notification shall include, if applicable, the period of stay and any other terms and conditions.

16. If an application is refused, the Member concerned shall inform the applicant, in writing[[2]](#footnote-2) and without undue delay, about the reasons for such refusal. The applicant shall be given an opportunity to appeal against that decision and/or to submit a new application.

17. When a Member decides to grant entry and temporary stay to a natural person of another Member covered by this Section, and when the respective requirements are fulfilled, the granting Member shall issue multiple entry visas in case the applicant requests that type of visa.

18. If a Member requires separate applications for entry and temporary stay it shall ensure that the respective time periods for entry and temporary stay, if granted, are compatible.

19. Members shall [endeavour] to accept and process applications in electronic format.

20. Applicants shall be given an opportunity to apply for renewal or extension of authorisation for temporary stay. Each Member shall ensure that the procedures for application for the renewal or extension of authorisation for temporary stay are pre-established and clearly specified.

1. The sole fact of requiring a visa for natural persons shall not be regarded as nullifying or impairing benefits under the terms of this framework. [↑](#footnote-ref-1)
2. “In writing” may include electronic form. [↑](#footnote-ref-2)