

Annex 10 referred to in Chapter 7
Specific Commitments for the Movement of Natural Persons

Part 1
Specific Commitments of Japan

Section 1
Short-term Business Visitors of Indonesia

Entry and temporary stay for a period of 90 days, which may be extended, shall be granted to a natural person of Indonesia 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 himself or herself, 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 Japan.

Section 2
Intra-corporate Transferees of Indonesia

1. Entry and temporary stay for a period of one or three years, which may be extended, shall be granted to a natural person of Indonesia who:

- (a) has been employed by an enterprise that supplies services or invests in Japan, for a period not less than one year immediately preceding the date of his or her application for the entry and temporary stay in Japan;
- (b) is being transferred to a branch or representative office of such enterprise in Japan, or another enterprise constituted or organized in Japan and owned or controlled by or affiliated with the former enterprise; and
- (c) will engage in one of the following activities during his or her temporary stay in Japan:
 - (i) activities to direct the branch or representative office as its head;
 - (ii) activities to direct the latter enterprise as its board member or auditor;
 - (iii) activities to direct one or more departments of the latter enterprise;

- (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 science 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 Annex, 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 subparagraphs 1(c) (iv) and (v) mean activities in which the natural person may not be able to engage without the application of specialized technology or knowledge of natural or human sciences acquired by him or her by, in principle, completing college education (i.e. bachelor's degree) or higher education.

Section 3 Investors of Indonesia

Entry and temporary stay for a period of one or three years, which may be extended, shall be granted to a natural person of Indonesia who will engage in one of the following activities during his or her temporary stay in Japan:

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

Section 4
Natural Persons of Indonesia
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 a natural person of Indonesia who is a legal, accounting or taxation service supplier qualified under the laws and regulations of Japan and who will engage in one of the following activities during his or her 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 judicial scrivener qualified as "Shiho-Shoshi" under the laws and regulations of Japan;
- (d) legal services supplied by an administrative scrivener qualified as "Gyousei-Shoshi" under the laws and regulations of Japan;
- (e) legal services supplied by a certified social insurance and labor consultant qualified as "Shakai-Hoken-Romushi" under the laws and regulations of Japan;
- (f) legal services supplied by a patent attorney qualified as "Benrishi" under the laws and regulations of Japan;
- (g) legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under the laws and regulations of Japan;
- (h) legal services supplied by a land and house surveyor qualified as "Tochi-Kaoku-Chosashi" under the laws and regulations of Japan;
- (i) accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under the laws and regulations of Japan; or

- (j) taxation services supplied by a tax accountant qualified as "Zeirishi" under the laws and regulations of Japan.

Section 5

Natural Persons of Indonesia Who Engage in Business Activities 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 a natural person of Indonesia who will engage in one of the following business activities during his or her temporary stay in Japan on the basis of a personal 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", whose scope is provided for in the Immigration Control and Refugee Recognition Act of Japan; or
- (b) activities which require knowledge at an advanced level pertinent to human science 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", whose scope is provided for in the Immigration Control and Refugee Recognition Act of Japan.

2. Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraphs 1(a) and (b) mean activities in which the natural person may not be able to engage without the application of specialized technology or knowledge of natural or human sciences acquired by him or her by, in principle, completing college education (i.e. bachelor's degree) or higher education.

Section 6

Natural Persons of Indonesia Who Engage in Supplying Services as Nurses or Certified Careworkers or Related Activities 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 year, which may be extended for the same period each time and not more than twice, shall be granted to a natural person of Indonesia who:

- (a) is a qualified nurse registered under the laws and regulations of Indonesia, having obtained Diploma III from an academy of nursing in Indonesia or having graduated from a faculty of nursing of a university in Indonesia, with total work experience as a nurse for at least two years;
- (b) is designated and notified to the Government of Japan by the Government of Indonesia;
- (c) will enter Japan on the date specified by the Government of Japan; and
- (d) will engage in one of the following activities during his or her temporary stay in Japan for the purposes of being qualified as a nurse under the laws and regulations of Japan ("Kangoshi"):
 - (i) activities pursuing the course of training, including Japanese language training, for six months; and
 - (ii) activities acquiring necessary knowledge and skills through training under the supervision of a "Kangoshi" at a hospital, after completion of the training referred to in subparagraph (i),

provided that such activities are conducted on the basis of a personal contract with a public or private organization in Japan which establishes a hospital under the laws and regulations of Japan and which is referred by a coordinating organization approved to conduct its activities by the Ministry of Health, Labor and Welfare of Japan in accordance with the laws and regulations of Japan and notified to the Government of Indonesia by the Government of Japan, or, in the absence of such organization, referred by the said Ministry.

Note 1: For the purposes of this paragraph and paragraph 2, the term "Diploma III" is defined as a status of completing three-year professional education in Indonesia after completing senior high school education as defined in the Government Regulation of Indonesia No. 60/1999 on Higher Education.

Note 2: The natural person under this paragraph may, upon application and in accordance with the laws and regulations of Japan, take the national examination for being qualified as a "Kangoshi" three times at the maximum, under normal circumstances, if the natural person stays in Japan for the maximum period possible under the provisions of this paragraph.

Note 3: For the purposes of this paragraph and paragraphs 2 and 3, "a coordinating organization approved to conduct its activities by the Ministry of Health, Labor and Welfare of Japan in accordance with the laws and regulations of Japan" shall be an organization that has entered into a contract with the National Board for Placement and Protection of Indonesian Overseas Workers in regard to the referral of a public or private organization to a natural person of Indonesia.

2. Entry and temporary stay for a period of one year, which may be extended for the same period each time and not more than three times, shall be granted to a natural person of Indonesia who:

- (a) (i) has graduated from a faculty of nursing of a university in Indonesia;
- (ii) has obtained Diploma III from an academy of nursing in Indonesia; or

- (iii) has obtained Diploma III or higher degree from any other academy or university in Indonesia and has been qualified as a certified careworker with the necessary skills by the Government of Indonesia in accordance with the laws and regulations of Indonesia, after completing appropriate training in accordance with the guidelines to be adopted by the Sub-Committee on Movement of Natural Persons pursuant to subparagraph (c) of Article 96;
- (b) is designated and notified to the Government of Japan by the Government of Indonesia;
- (c) will enter Japan on the date specified by the Government of Japan; and
- (d) will engage in one of the following activities during his or her temporary stay in Japan for the purposes of being qualified as a certified careworker under the laws and regulations of Japan ("Kaigofukushishi"):
 - (i) activities pursuing the course of training, including Japanese language training, for six months; and
 - (ii) activities acquiring necessary knowledge and skills through training under the supervision of a "Kaigofukushishi" at a caregiving facility, after completion of the training referred to in subparagraph (i),

provided that such activities are conducted on the basis of a personal contract with a public or private organization in Japan which establishes a caregiving facility under the laws and regulations of Japan and which is referred by a coordinating organization approved to conduct its activities by the Ministry of Health, Labor and Welfare of Japan in accordance with the laws and regulations of Japan and notified to the Government of Indonesia by the Government of Japan, or, in the absence of such organization, referred by the said Ministry.

3. Entry and temporary stay for a period of up to three years, which may be extended, shall be granted to a natural person of Indonesia who:

- (a) has been qualified as a "Kangoshi" or a "Kaigofukushishi":
 - (i) during his or her stay under paragraph 1 or 2; or
 - (ii) after he or she was unable to be qualified as such during his or her stay under paragraph 1 or 2; and
- (b) will engage as a "Kangoshi" or a "Kaigofukushishi" during his or her temporary stay in Japan on the basis of a personal contract with a public or private organization in Japan.

Note: To be granted entry and temporary stay under this paragraph, a natural person of Indonesia who falls under subparagraph (a)(i) and has left Japan without obtaining re-entry permit, or who falls under subparagraph (a)(ii):

- (a) shall be designated and notified to the Government of Japan by the Government of Indonesia; and
 - (b) shall have entered into a personal contract with a public or private organization in Japan which establishes a hospital or caregiving facility under the laws and regulations of Japan and which is referred by a coordinating organization approved to conduct its activities by the Ministry of Health, Labor and Welfare of Japan in accordance with the laws and regulations of Japan and notified to the Government of Indonesia by the Government of Japan, or, in the absence of such organization, referred by the said Ministry.
4. (a) Japan may decide the maximum number of natural persons of Indonesia to whom entry and temporary stay under paragraph 1 or 2 is granted annually.
- (b) Japan may decide the maximum number of natural persons of Indonesia who stay in Japan based on the grant of entry and temporary stay under this Section.

- (c) In case of serious damage, or threat thereof, to the society or labor market of Japan, Japan may make other decisions that it considers necessary in relation to the number referred to in subparagraph (a) or (b), including but not limited to, suspension of implementation of its commitment under this Section.
- (d) The Government of Japan shall notify the Government of Indonesia of any decision taken pursuant to subparagraph (a), (b) or (c) prior to the implementation of such decision.

5. Japan may exempt, totally or partially, a natural person of Indonesia from the training referred to in subparagraph 1(d) (i) or 2(d) (i), if it considers his or her language ability as sufficient to engage in the activities referred to in subparagraph 1(d) (ii) or 2(d) (ii), respectively.

6. The Government of Japan shall notify the Government of Indonesia of the modalities and other related information on the training referred to in subparagraphs 1(d) (i) and 2(d) (i).

7. The training under the supervision of a "Kangoshi" and the hospital referred to in subparagraph 1(d), the training under the supervision of a "Kaigofukushishi" and the caregiving facility referred to in subparagraph 2(d), and the personal contract and the public or private organization in Japan referred to in subparagraphs 1(d), 2(d) and 3(b) shall satisfy the conditions notified by the Government of Japan to the Government of Indonesia.

8. For the purposes of paragraphs 1 through 3, the Government of Indonesia shall:

- (a) designate only the natural persons of Indonesia who undergo the recruitment process undertaken by the National Board for Placement and Protection of Indonesian Overseas Workers and satisfy the terms and conditions set out in the said paragraphs; and
- (b) notify in writing, through the diplomatic channel, the Government of Japan of the designated natural persons of Indonesia, and the names and addresses of the public or private organizations, together with other information required by the Government of Japan.

Part 2
Specific Commitments of Indonesia

Section 1
Short-term Business Visitors of Japan

Entry and temporary stay for a period not exceeding 60 days, which may be extended, shall be granted to a natural person of Japan who will stay in Indonesia, without acquiring remuneration from within Indonesia and without engaging in making direct sales to the general public or in supplying services himself or herself, for the purposes of participating in business meetings, business contacts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing investments in Indonesia.

Section 2
Intra-corporate Transferees of Japan

Entry and temporary stay for a period of one year, which may be extended for not more than one year each time and not more than five times, shall be granted to a natural person of Japan who:

- (a) has been employed by an enterprise that supplies services or invests in Indonesia, for a period not less than one year immediately preceding the date of his or her application for the entry and temporary stay in Indonesia; and
- (b) is being transferred to a branch or representative office of such enterprise in Indonesia, or to another enterprise constituted or organized in Indonesia and owned or controlled by or affiliated with the former enterprise.

Section 3
Investors of Japan

Entry and temporary stay for a period of one year, which may be extended for not more than one year each time and not more than five times, shall be granted to a natural person of Japan who will engage in one of the following activities permitted by the laws and regulations of Indonesia during his or her temporary stay in Indonesia:

- (a) activities to invest in business in Indonesia and manage such business;
- (b) activities to manage business in Indonesia on behalf of a person other than that of Indonesia who has invested in such business; or

- (c) conduct of business in Indonesia in which a person other than that of Indonesia has invested.

Section 4

Natural Persons of Japan Who Engage in Business Activities on the Basis of a Personal Contract with a Public or Private Organization in Indonesia

Entry and temporary stay for a period of one year, which may be extended for not more than one year each time and not more than five times, shall be granted to a natural person of Japan who will engage in business activities during his or her temporary stay in Indonesia on the basis of a personal contract with a public or private organization in Indonesia, such as mechanical engineer and electrical engineer.

Section 5

Natural Persons of Japan Who Engage in Supplying Services as Nurses or Certified Careworkers or Related Activities on the Basis of a Personal Contract with a Public or Private Organization in Indonesia

1. Entry and temporary stay for a period of one year, which may be extended for the same period each time and not more than twice, shall be granted to a natural person of Japan who:

- (a) is a qualified nurse under the laws and regulations of Japan, after graduating from nursing course under the laws and regulations of Japan, with total work experience as a nurse for at least two years;
- (b) is designated and notified to the Government of Indonesia by the Government of Japan;
- (c) will enter Indonesia on the date specified by the Government of Indonesia; and
- (d) will engage in one of the following activities during his or her temporary stay in Indonesia for the purposes of being qualified as a nurse under the laws and regulations of Indonesia:
 - (i) activities pursuing the Indonesian language course, for six months; and
 - (ii) activities acquiring necessary knowledge and skills through internship at a hospital, after completion of the Indonesian language course referred to in subparagraph (i),

provided that such activities are conducted on the basis of a personal contract with a public or private organization in Indonesia which establishes a hospital under the laws and regulations of Indonesia and which is referred by a coordination team that consists of officials from the Ministry of Health and the Ministry of Manpower and Transmigration of Indonesia in accordance with the laws and regulations of Indonesia and notified to the Government of Japan by the Ministry of Manpower and Transmigration of Indonesia.

Note: The natural person under this paragraph may, upon application and in accordance with the laws and regulations of Indonesia, take the national competency examination for being qualified as a nurse three times at the maximum, under normal circumstances, if the natural person stays in Indonesia for the maximum period possible under the provisions of this paragraph.

2. Entry and temporary stay for a period of one year, which may be extended for the same period each time and not more than three times, shall be granted to a natural person of Japan who:

- (a) (i) has graduated from nursing course which requires at least three years' study after completing high school education or equivalent education in Japan; or
- (ii) has completed at least two years' academic course after completing high school education or equivalent education and satisfies the requirements which shall be specified in the guidelines to be adopted by the Sub-Committee on Movement of Natural Persons pursuant to subparagraph (c) of Article 96;
- (b) is designated and notified to the Government of Indonesia by the Government of Japan;
- (c) will enter Indonesia on the date specified by the Government of Indonesia; and

(d) will engage in one of the following activities during his or her temporary stay in Indonesia for the purposes of being qualified as a certified careworker under the laws and regulations of Indonesia:

(i) activities pursuing the Indonesian language course, for six months; and

(ii) activities acquiring necessary knowledge and skills through internship at a caregiving facility in coordination with the Ministry of Manpower and Transmigration of Indonesia, after completion of the Indonesian language course referred to in subparagraph (i),

provided that such activities are conducted on the basis of a personal contract with a public or private organization in Indonesia which establishes a caregiving facility under the laws and regulations of Indonesia and which is referred by the Ministry of Manpower and Transmigration of Indonesia in accordance with the laws and regulations of Indonesia and notified to the Government of Japan by the Ministry of Manpower and Transmigration of Indonesia.

3. Entry and temporary stay for a period of one year, which may be extended every year, shall be granted to a natural person of Japan who:

(a) has been qualified as a nurse or as a certified careworker with the necessary skills by the Government of Indonesia in accordance with the laws and regulations of Indonesia:

(i) during his or her stay under paragraph 1 or 2; or

(ii) after he or she was unable to be qualified as such during his or her stay under paragraph 1 or 2; and

(b) will engage as a nurse or as a certified careworker during his or her temporary stay in Indonesia on the basis of a personal contract with a public or private organization in Indonesia.

Note: To be granted entry and temporary stay under this paragraph, a natural person of Japan who falls under subparagraph (a) (i) and has left Indonesia without obtaining re-entry permit, or who falls under subparagraph (a) (ii):

- (a) shall be designated and notified to the Government of Indonesia by the Government of Japan; and
 - (b) shall have entered into a personal contract with a public or private organization in Indonesia which establishes a hospital or caregiving facility under the laws and regulations of Indonesia and which is referred by a coordination team that consists of officials from the Ministry of Health and the Ministry of Manpower and Transmigration of Indonesia in accordance with the laws and regulations of Indonesia and notified to the Government of Japan by the Ministry of Manpower and Transmigration of Indonesia.
4. (a) Indonesia may decide the maximum number of natural persons of Japan to whom entry and temporary stay under paragraph 1 or 2 is granted annually.
- (b) Indonesia may decide the maximum number of natural persons of Japan who stay in Indonesia based on the grant of entry and temporary stay under this Section.
- (c) In case of serious damage, or threat thereof, to the society or labor market of Indonesia, Indonesia may make other decisions that it considers necessary in relation to the number referred to in subparagraph (a) or (b), including but not limited to, suspension of implementation of its commitment under this Section.
- (d) The Government of Indonesia shall notify the Government of Japan of any decision taken pursuant to subparagraph (a), (b) or (c) prior to the implementation of such decision.

5. Indonesia may exempt, totally or partially, a natural person of Japan from the Indonesian language course referred to in subparagraph 1(d)(i) or 2(d)(i), if it considers his or her language ability as sufficient to engage in the activities referred to in subparagraph 1(d)(ii) or 2(d)(ii), respectively.

6. The Government of Indonesia shall notify the Government of Japan of the modalities and other related information on the Indonesian language course referred to in subparagraphs 1(d)(i) and 2(d)(i).

7. The internship at a hospital referred to in subparagraph 1(d), the internship at a caregiving facility in coordination with the Ministry of Manpower and Transmigration of Indonesia referred to in subparagraph 2(d), and the personal contract with a public or private organization in Indonesia referred to in subparagraphs 1(d), 2(d) and 3(b) shall satisfy the conditions notified by the Government of Indonesia to the Government of Japan.

8. For the purposes of paragraphs 1 through 3, the Government of Japan shall:

- (a) designate only the natural persons of Japan who undergo the recruitment process undertaken by a coordinating organization approved to conduct its activities by the Ministry of Health, Labor and Welfare of Japan in accordance with the laws and regulations of Japan and notified to the Government of Indonesia by the Government of Japan, and satisfy the terms and conditions set out in the said paragraphs; and
- (b) notify in writing, through the diplomatic channel, the Government of Indonesia of the designated natural persons of Japan, and the names and addresses of the public or private organizations, together with other information required by the Government of Indonesia.