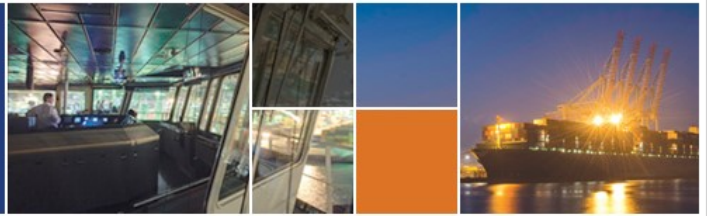




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BRAZIL: Immigration Controls on Seafarers - Practical Guidance

September 2018

Club correspondents Proinde of Brazil have updated the Club about changes to immigration law in Brazil. They report as follows:

"In November 2017, the new Brazilian Migration Law (Law 13,445 of May 2017) was implemented to replace the obsolete Alien's Statute – a law enacted when Brazil was still under the yoke of the military rule – and embrace the fundamental principles and guarantees already enshrined in the Brazilian Federal Constitution, including the promotion of human rights, repudiation of racism and discrimination, equal rights and free access to public services and social benefits to Brazilians and foreigners, along with reduction of bureaucracy.

While the Law eliminated criminal sanctions for immigration offences, it substantially increased the value of the fines that now range from about USD 30 to USD 3,030 for individuals, and from about USD 303 to USD 303,030 for corporations that violate the immigration regulations.

New categories of visas have been created, each with multiple types to serve specific purposes. The permanent visa has been discontinued and long-term visitors who wish to live in or work in Brazil can now apply for residency in the country, regardless of their immigration status or visa type.

Visitors and immigrants in the maritime and offshore sectors will be issued with a visit visa for business (non-remunerated, short-term visitors) or a temporary work visa (with or without a contract of employment in Brazil) if they remain in the country for more than 90 days. Citizens of some countries will continue to be exempted from a visa if the stay does not exceed 90 days.

Seafarers entering the country on deep-sea going ships or a cruise ship sailing along the Brazilian coast for up to 90 days shall be exempt from visa provided they carry a valid seaman's book in accordance with the ILO Convention. Those who intend to work on a Brazilian ship or platform, irrespective of the length of the employment contract, or work on board a foreign vessel without a contract of employment in Brazil for more than 90 days, must obtain a temporary visa at a Brazilian consulate abroad. Particularly interesting to the industry were the normative resolutions issued by the National Immigration Council (CNIg) in December 2017 to regulate the new legal framework. These administrative acts reiterate the obligation of foreign ships and platforms to hire rising proportions of Brazilian seafarers to compose the crew at all levels of qualifications and departments when operating in Brazilian waters for specific periods.

We have prepared the attached guide with the objective of providing a practical overview of the main aspects related to seafarers in Brazil in the light of the new legal framework. Many of the recent rules require specific regulation to be implemented in practice, and we will strive to keep an updated version of this publication available for free download on our website.

We hope our clients and associates will find this guide helpful."

Our thanks to Proinde for providing this update. Proinde's Practical Guidance can be read [here](#).

