

OFFICIAL DIARY OF THE UNION

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Body: Presidency of the Republic/Civil House

ORDINANCE N^r 658, OF OCTOBER 5, 2021

Provides for exceptional and temporary measures for entry into the country, pursuant to Law No. 13,979, of 2020.

THE CHIEF MINISTERS OF STATE OF THE CIVIL HOUSE OF THE PRESIDENCY OF THE REPUBLIC, OF JUSTICE AND PUBLIC SAFETY, OF HEALTH AND INFRASTRUCTURE, in the use of the powers conferred on them by art. 87, sole paragraph, items I and II, of the Constitution, and art. 3, art. 37, art. 47 and art. 35 of Law No. 13.844, of June 18, 2019, and in view of the provisions of art. 3rd **caput**, item VI, of Law No. 13,979, of February 6, 2020, resolve:

CHAPTER I

PRELIMINARY PROVISIONS

Art. 1 This Ordinance provides for exceptional and temporary restrictions, measures and requirements for entry into the country, due to the risks of contamination and dissemination of the SARS-CoV-2 coronavirus (covid-19).

Single paragraph. The authorization for the entry into the Country of travelers of international origin, Brazilian or foreign, will be given under the terms of this Ordinance.

Art. 2 The restrictions referred to in this Ordinance do not apply to cargo transportation.

CHAPTER II

AIR TRANSPORTATION

Art. 3 The entry into the country, by air, of the traveler of international origin, Brazilian or foreign, is authorized, provided that the following requirements are met:

I - presentation to the airline responsible for the flight, before boarding, of a document proving the performance of a test to screen for the infection by the SARS-CoV-2 (covid-19) coronavirus, with a negative or undetectable result, of the antigen test type, performed within twenty-four hours prior to the time of shipment, or laboratory RT-PCR, performed within seventy-two hours prior to the time of shipment, observing the parameters indicated in Annex I and the following criteria:

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a) in the event of a flight with connections or stopovers in which the traveler remains in a restricted area of the airport, the deadlines referred to in item I of this article shall be considered in relation to boarding the first leg of the trip;

b) in the event of a flight with connections or stopovers in which the traveler does not remain in a restricted area of the airport, in which the traveler performs migration, and which exceeds seventy-two hours since the completion of the RT-PCR test or twenty-four hours of the antigen test, the traveler must present a document proving the performance of a new test, RT-PCR or antigen, with a negative or non-detectable result for the SARS-CoV-2 coronavirus (covid-19) at check-in for boarding to Federative Republic of Brazil.

II - presentation to the airline responsible for the flight, before boarding, of proof, printed or electronically, of completing the Traveler's Health Declaration - DSV, within a maximum of twenty-four hours prior to boarding to the Federative Republic of Brazil, with the agreement on the sanitary measures that must be complied with during the period in which they are in the country; and

Single paragraph. Aircraft crew members are exempt from presenting a document proving that they have performed a test to screen for infection by the SARS-CoV-2 (covid-19) coronavirus, provided they comply with the protocol in Annex II.

CHAPTER III

LAND TRANSPORTATION

Art. 4 The entry into the Country of foreigners, of any nationality, by highways or any other land means is prohibited.

§1 Exceptionally, the foreigner who is in a border country that maintains restrictions on locomotion, by land, who need to cross it to board a return flight to their country of residence, may enter the Federative Republic of Brazil with authorization from the immigration authority, provided that the following requirements and restrictions are met:

I - the foreigner must go directly to the airport;

II - there must be a formal request from the embassy or consulate of the country of residence; and

III - the corresponding air tickets must be presented.

§2 The restriction imposed in the **caput** of this article does not apply:

I - the entry of foreigners into the country, by land, between the Federative Republic of Brazil and the Republic of Paraguay, provided that the immigration requirements appropriate to their condition are complied with, including that of carrying an entry visa, when this is required by the legal system. Brazilian legal;

II - the execution of cross-border humanitarian actions previously authorized by the local health authorities;

III - the traffic of border residents in twin cities, upon presentation of a border resident document or other supporting document, provided that reciprocity in the treatment of Brazilians by the neighboring country is guaranteed;

IV - cargo transport or drivers and assistants of road cargo transport vehicles;

V - the execution of emergency assistance measures for reception and migratory regularization, under the terms of the current immigration legislation, to people in a situation of vulnerability resulting from a migratory flow caused by a humanitarian crisis, in the national territory, recognized by an act of the President of the Republic, in the terms of the sole paragraph of article 3 of Law 13.684, of June 21, 2018, according to the means available;

VI - to the spouse, partner, child, parent or guardian of a Brazilian;

VII - whose entry is specifically authorized by the Brazilian Government in view of the public interest or for humanitarian reasons;

VIII - holder of a National Migration Registry; and

IX - foreign official accredited to the Brazilian Government.

§3 The provisions of item V of § 2 of this article also apply to immigrants who entered national territory from March 18, 2020 until the date of publication of this Ordinance.

CHAPTER IV

WATER TRANSPORTATION

Article 5. As from November 1, 2021, the waterway transport of passengers, Brazilians or foreigners, exclusively in Brazilian jurisdictional waters, by maritime cruise vessels is authorized.

§1 The authorization referred to in the **caput** and the operation of vessels carrying passengers, in national ports, is subject to the previous edition of the Ordinance by the Ministry of Health, which must provide for the epidemiological scenario, the definition of situations considered to be outbreaks of Covid-19 on vessels and the conditions for complying with the quarantine of passengers and vessels.

§2 The operation of vessels with passenger transport, in national ports, is subject to the issuance of an Operational Plan within the scope of the Municipality and the State, which establishes the conditions for health care for passengers disembarked in their territories and for local execution active epidemiological surveillance.

§3 The sanitary conditions for the embarkation and disembarkation of passengers and crew on cruise ships located in Brazilian jurisdictional waters, including those with foreign crew and without passengers on board from another country, will be defined in a specific act of the National Agency of Health Surveillance.

§4 The sanitary conditions for the embarkation and disembarkation of crew members of cargo vessels from another country and platforms located in

Brazilian jurisdictional waters will be defined in a specific act of the National Health Surveillance Agency.

§ 5 The restrictions provided for in this Ordinance do not prevent the disembarkation, authorized by the Federal Police, of sea crew for medical assistance or for return air connection to the country of origin related to operational issues or termination of employment contract.

§ 6 The authorization referred to in § 5 is subject to:

a) the signing of a term of responsibility for the expenses resulting from the transshipment signed by the shipping agent;

b) the presentation of a document evidencing the performance of a RT-PCR laboratory test, carried out in the seventy-two hours prior to disembarkation, or an antigen test, carried out in the twenty-four hours prior to disembarkation, to screen for infection by the coronavirus SARS-CoV-2 (covid-19), with negative or undetectable result;

c) the prior consent of the local health authorities; and

d) the presentation of the corresponding air tickets.

CHAPTER V

FINAL PROVISIONS

Art. 6. The restrictions, measures and conditions provided for in this Ordinance are requirements for the entry of travelers into the country, without prejudice to others suitable for their migratory status, including that of carrying an entry visa, when this is required by the Brazilian legal system.

Single paragraph. The immigration authority may prevent the entry into Brazilian territory of foreigners who do not comply with the requirements set forth in this ordinance, and may request technical information from other border inspection authorities, if necessary.

Art. 7. Failure to comply with the provisions of this Ordinance will imply, for the offending agent:

I - civil, administrative and criminal liability;

II - immediate repatriation or deportation; and

III - disqualification of asylum request.

Art. 8 Normative acts and technical guidelines may be prepared by the Ministries in order to complement the provisions contained in this Ordinance, provided that the Ministry's scope of competence is observed.

Single paragraph. Regulatory bodies may issue additional guidelines to the provisions of this Ordinance, including sanitary rules on services, procedures, means of transport and operations, provided that the scope of their powers and the provisions of Law 13,979 of 2020 are observed.

Art. 9. The Ministries may forward to the Civil House of the Presidency of the Republic, in a reasoned manner, cases not covered by this Ordinance and

requests for exceptional cases, regarding the fulfillment of sanitary determinations, in order to attend to the public interest or humanitarian issues.

§ 1 The exceptional requests referred to in the **caput** must be forwarded to the Civil House of the Presidency of the Republic, at least five working days prior to the date of entry into the country.

§ 2 The Civil House of the Presidency of the Republic will request, within a period appropriate to the urgency of the demand, the manifestation:

I - the National Health Surveillance Agency;

II - from other bodies whose thematic pertinence is related to the case, if deemed necessary; and

III - of the signatory Ministries of this regulation.

§ 3 The decision, by consensus, of the signatory Ministries will be communicated by the Civil House of the Presidency of the Republic.

Art. 10. The Ministries, within the scope of their competences, shall adopt the necessary measures to comply with the provisions of this Ordinance.

Article 11. The documents and other requirements necessary for entry into national territory may be evaluated by the immigration authorities, the offender being subject to the penalties provided for in this Ordinance.

Art. 12. The provisions of this Ordinance may be revised at any time whenever there is a change in the epidemiological scenario, as per prior technical manifestation of the Ministry of Health.

Single paragraph. The epidemiological scenario will be monitored by the Health Surveillance Secretariat of the Ministry of Health.

Art. 13. Ordinance No. 657, of October 2, 2021, of the Ministers of State Chief of Staff of the Presidency of the Republic, Justice and Public Security, Infrastructure and Health is hereby revoked.

Art. 14. This Ordinance enters into force on the date of its publication.

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Deputy Minister of State Chief of Staff of the Presidency of the Republic

ANDERSON GUSTAVO TORRES

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Minister of State for Health

MARCELO SAMPAIO CUNHA FILHO

Substitute Minister of State for Infrastructure

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ANNEX I

TESTING PARAMETERS

Travelers of international origin, Brazilian or foreign, will be authorized to enter the country provided the following requirements are met:

1. The document proving the performance of a test to screen for infection by the SARS-CoV-2 (covid-19) coronavirus, with a negative or non-detectable result, must be presented in Portuguese, Spanish or English;

2. The RT-PCR laboratory test or antigen test with report must be performed in a laboratory recognized by the health authority of the country of origin;

3. Children under the age of twelve who are traveling accompanied are exempt from presenting a document proving that they have performed tests for the screening of SARS-CoV-2 (covid-19) coronavirus infection, provided that all accompanying persons present documents with a negative result or non-detectable, of the RT-PCR laboratory type, performed within seventy-two hours prior to the time of shipment, or antigen test, performed within twenty-four hours prior to the time of shipment;

4. Children aged two or over and under twelve, who are traveling unaccompanied, must present documents with a negative or undetectable result, of the RT-PCR laboratory type, carried out within seventy-two hours prior to the time of the shipment, or antigen test, carried out within twenty-four hours prior to the time of shipment;

5. Children under the age of two years are exempt from presenting a document proving that they have been tested for infection by the SARS-CoV-2 (covid-19) coronavirus for travel to the Federative Republic of Brazil;

6. The entry into national territory of travelers who had covid-19 in the last ninety days, counted from the date of onset of symptoms, who are asymptomatic and persist with an RT-PCR test or a detectable antigen test for the SARS-CoV coronavirus -2 (covid-19), will be allowed upon presentation of the following documents:

6.1. two detectable RT-PCR results, with an interval of at least fourteen days, the last one being carried out within seventy-two hours prior to the time of shipment;

6.2. antigen test that reports a negative or non-reactive result after the last detectable RT-PCR result;

6.3. medical certificate stating that the individual is asymptomatic and able to travel, including the date of travel. The certificate must be issued in Portuguese or Spanish or English and contain the identification and signature of the responsible physician.

ANNEX II

PROTOCOL FOR AIRCRAFT CREW

As provided for in the sole paragraph of art. 3 of this Ordinance, aircraft crew members are exempt from presenting a document proving the

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performance of a RT-PCR laboratory test or an antigen test with report, provided that they comply with the following protocol:

1. absence of social contact and self-isolation while staying on Brazilian soil when traveling between the airport and the hotel:

1.1. when necessary - the air operator must arrange the displacement between the aircraft and the individual accommodations of the crew in private means of transport and ensure that hygiene measures are applied and that the physical distance between people is ensured from the origin to the destination.

2. absence of social contact and self-isolation while staying on Brazilian soil, in the accommodation. The crew must remain in residence or in a hotel room, in the latter case, the following must be observed:

2.1. the accommodation will be occupied by only one crew member;

2.2. the accommodation will be sanitized before and after its occupation;

2.3. the crew will not use the hotel's common facilities;

2.4. the crew will take meals at the accommodation;

2.5. if hotel room service is not available, the crew will order a take-out meal;

3. health care and self-monitoring - the crew must:

3.1. regularly monitor symptoms, including fever and other symptoms associated with the SARS-CoV-2 (covid-19) coronavirus;

3.2. avoid contact with the public and other crew members;

3.3. stay in the hotel room, except to seek medical attention or to perform activities considered essential;

3.4. wash your hands frequently with soap and water, when possible, or use alcohol gel;

3.5. wear a mask; and

3.6. observe physical distance when it is necessary to leave the hotel;

4. in cases of symptoms - if the crew presents symptoms associated with the SARS-CoV-2 (covid-19) coronavirus in Brazilian territory, it must:

4.1. communicate the fact to the air operator;

4.2. seek medical assistance to assess possible involvement by SARS-CoV-2 (covid-19); and

4.3. in case of a positive result, cooperate with additional monitoring, in accordance with the protocols adopted by the local health system;

5. occupational health - the following measures will be taken:

5.1. those responsible for the occupational health programs of the air operators will maintain permanent contact with the crews, in order to ensure that their employees carry out self-monitoring and the implementation of sanitary

protocols that reduce the risk factors associated with exposure to SARS-CoV- 2 (covid-19); and

5.2. the air operator will implement an education program with the objective of orienting the crews on the sanitary measures to be adopted during the period of confrontation with SARS-CoV-2 (covid-19);

6. crew health management plan - air operators are responsible for:

6.1. prepare and maintain a permanent crew health management plan, with risk assessment regarding crew exposure to SARS-CoV-2 (covid-19); and

6.2. demonstrate, whenever requested, the supporting documentation of the implementation of the mitigation measures of SARS-CoV-2 (covid-19), without prejudice to the inspection, monitoring and control actions to be carried out by the competent authorities.