MINISTÉRIO DA JUSTIÇA
E SEGURANÇA PÚBLICA
Assessoria Especial Internacional

TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL

Decreto nº 9.199 de 20 de novembro de 2017.

Regulamenta a lei nº 13.445, de 24 de maio de 2017, que institui a lei de migração.

VERSÃO EM INGLÊS

2021

Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução[1], para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.

[1]Traduções não juramentadas ou oficiais.

DECREE Nº 9,199, OF NOVEMBER 20th, 2017

Regulates Law nº 13,445, of May 24th, 2017, which institutes the Law on Migration.

The PRESIDENT OF BRAZIL, in the use of the attribution conferred by art. 84, head provision, item IV, of the Constitution, and given the provisions of Law nº 13,445, of May 24th, 2017,

DECREES:

CHAPTER I

PRELIMINARY PROVISIONS

Art. 1. This Decree regulates the Law on Migration, instituted by Law nº 13,445, of May 24th, 2017.

Sole paragraph. For the purposes of Law nº 13,445 of 2017, the following are considered:

I - migrant - a person who moves from one country or geographic region to the territory of another country or geographic region, which includes immigrants, emigrants, and stateless persons;

II - immigrant - a person who is a national of another country or a stateless person who works or resides and is established, temporarily or permanently, in the Federative Republic of Brazil;

III - emigrant - a Brazilian who establishes him/herself, temporarily or permanently, abroad;

IV - border resident - a national of a neighboring country or stateless person who maintains his habitual residence in a border municipality of a neighboring country;

V - visitor - a person who is a national of another country or a stateless person who comes to the Federative Republic of Brazil for short stays, without intending to establish him/herself, temporarily or permanently, in the national territory;

VI - stateless person – a person who is not considered national by any State, according to its legislation, under the terms of the Convention on the Statute of Stateless Persons, of 1954, enacted by Decree nº 4,246, of May 22nd, 2002, or so acknowledged by the Brazilian State;

VII - refugee - a person who has received special protection from the Brazilian State, as provided for in Law nº 9,474, of July 22nd, 1997; and

VIII - migratory year - twelve months, counted from the date of the visitor's first entry into the national territory, as disciplined in an act performed by the top officer of the Federal Police.

Art. 2. The immigrant has the rights provided by law ensured, forbidden the requirement of impossible or unreasonable documentary evidence that hinders or prevents the exercise of their rights.

Sole paragraph. The Federal Government bodies shall review internal procedures and regulations in order to comply with the provisions of the head provision.

Art. 3. It is forbidden to deny a visa or residence or prevent entry into the country due to ethnicity, religion, nationality, belonging to a social group, or political opinion.

CHAPTER II

VISAS

Section I

General provisions

Art. 4. The visa is the document that gives the holder the expectation of entering the national territory.

Paragraph 1. The visa may be affixed to any valid travel document issued in the International Civil Aviation Organization standards, which does not imply the recognition of the State, Government, or Regime.

Paragraph 2. For the purposes of affixing a visa, is considered a valid travel document, issued by a foreign government or international body acknowledged by the Brazilian Government:

I - passport;

II - **laissez-passer**; or

III - document equivalent to those referred to in items I and II.

Paragraph 3. Exceptionally, when the applicant is unable to present a valid travel document issued under the terms provided for in Paragraph 2, the visa may be affixed to a Brazilian **laissez-passer**.

Art. 5. The applicant who wishes to enter or remain in the national territory may be granted the following visas:

I - visiting;

II - temporary;

III - diplomatic;

IV - official; and

V - courtesy.

Art. 6. The applicant may have more than one valid visa, provided the visas are of different types.

Paragraph 1. When granting the visa, the consular authority shall consign, in the interested party's travel document, the type and period of validity, and, when applicable, the visa classification hypothesis.

Paragraph 2. When the visa holder enters the national territory, the Federal Police shall define the applicable migratory situation, according to the objectives of the travel declared by the visa holder.

Art. 7. The visa shall be granted by embassies, consulates-general, consulates, vice-consulates, and, when authorized by the Ministry of Foreign Affairs, by commercial and representative offices of the country abroad.

Paragraph 1. Exceptionally, diplomatic, official, and courtesy visas may be granted in the country by the Ministry of Foreign Affairs.

Paragraph 2. In the event of suspension of diplomatic and consular relations, the visas for entry into the country may be granted by the diplomatic mission or consular office of the country in charge of Brazilian interests.

Art. 8. The visa is personal.

Sole paragraph. If there is more than one person registered under the same travel document, the visa may be granted to the holder and dependents included in the travel document who intend to come to the Federative Republic of Brazil.

Art. 9. The holder of an expired travel document with a valid Brazilian visa may enter the national territory if he/she presents the visa accompanied by a valid travel document.

Sole paragraph. The provisions of the head provision do not apply to the holders of requested visas or those electronically issued.

Art. 10. The following documents must be presented to the consular authority to apply for a visa:

I - valid travel document, under the terms established in art. 4;

II - international certificate of immunization, when required by the National Health Surveillance Agency - Anvisa;

III - proof of payment of consular fees, when applicable;

IV - visa request form filled in an electronic system provided by the Ministry of Foreign Affairs; and

V - other specific documents for each type of visa, observing the provisions of this Decree and specific regulations, when applicable.

Paragraph 1. The consular authority may, at its discretion, request the applicant's appearance at one of the locations mentioned in the head provision of art. 7 to conduct an interview.

Paragraph 2. The form referred to in item IV of the head provision shall contain a statement, under the penalties of the law, that the applicant does not fit into any hypothesis of denial of visa or impediment of entry.

Art. 11. Possession or ownership of property in the country shall not confer the right to obtain a visa, without prejudice to the provisions on a temporary visa for investment.

Art. 12. The Ministries of Justice and Public Security, of Foreign Affairs, and Labor shall electronically integrate their databases regarding the procedure of visa requests, migration control, registration, and residence authorization.

Subsection I

Rates and fees

Art. 13. Consular rates and fees shall be charged for processing the visa, in accordance with the provisions of the Annex to Law nº 13,445 of 2017, respecting the cases of exemption.

Paragraph 1. The Ministry of Foreign Affairs may adjust the values of the consular rates and fees to preserve the national interest or ensure reciprocity of treatment.

Paragraph 2. Consular fees shall not be charged for the granting of:

I - diplomatic, official, and courtesy visas; and

II - visas in diplomatic, official, or service passports, or equivalent documents, observing the reciprocity of treatment for holders of travel documents similar to the Brazilian.

Paragraph 3. The Ministry of Foreign Affairs shall implement the exemption from the collection of fees referred to in Paragraph 2 through diplomatic communication.

Subsection II

Term of expiration

Art. 14. The term of expiration of the visa is that during which the visa can be used to enter the country.

Paragraph 1. The term of expiration shall be indicated in the visas and be counted from the date of issue of the visa.

Paragraph 2. The visa can no longer be used to enter the country when its date of expiration is reached.

Art. 15. The visit visa shall be valid for one year, and, unless the Ministry of Foreign Affairs determines otherwise, it shall allow multiple entries into the country while the visa is valid.

Paragraph 1. The term of expiration of the visiting visa may be reduced at the discretion of the Ministry of Foreign Affairs.

Paragraph 2. In the cases in which treatment is reciprocated, in terms defined by diplomatic communication, the visiting visa may be valid for up to ten years.

Paragraph 3. When requested and issued by electronic means, the term of expiration of the visit visa, under the terms established in art. 26, may be superior to one year, at the discretion of the Ministry of Foreign Affairs.

Art. 16. The temporary visa may be granted with a term of expiration of up to one year, and, unless otherwise determined by the Ministry of Foreign Affairs, it shall allow multiple entries into the country while the visa is valid.

Sole paragraph. The term of expiration of the temporary visa is not to be confused with the term of the residence permit.

Art. 17. The maximum term of expiration of the visa requested and issued by electronic means shall be defined in an act of the Minister of State for Foreign Affairs and may be conditioned to the expiration date of the travel document presented by the applicant.

Art. 18. Diplomatic, official, and courtesy visas shall have a term of expiration of up to three years and shall allow multiple entries into the national territory, provided their holders comply with the registration requirements established by the Ministry of Foreign Affairs.

Art. 19. The period of stay of the visiting visa is that during which its holder may remain in the national territory and is counted from the date of the first entry into the Country.

Art. 20. The visit visa shall have a stay period of up to ninety days, extendable by the Federal Police for up to ninety days, provided the maximum stay in the country does not exceed one hundred and eighty days for each migratory year, except as provided in Paragraph 7 of art. 29.

Paragraph 1. The stay period of the visit visa shall be counted from the date of the first entry into the national territory and shall be suspended whenever the visitor leaves the national territory.

Paragraph 2. The extension of the visit visa's stay period can only be done under the hypothesis of nationals of countries that ensure reciprocity of treatment to Brazilian nationals.

Paragraph 3. The Federal Police may, exceptionally, grant a stay shorter than that provided for in the head provision or, at any time, reduce the period of stay foreseen for visitors.

Paragraph 4. The renewal of the term of expiration of the visit visa must be requested before the original stay term has expired, in which case the following documents must be presented:

I - valid travel document;

II - proof of payment of the fee; and

III - request form for renewal of the term provided by the Federal Police.

Art. 21. An act of the Minister of State for Justice and Public Security shall regulate the procedures for the renewal of the visitor's stay period.

Art. 22. The initial period of stay of holders of temporary, diplomatic, official, and courtesy visas shall be equal to their expiration term.

Sole paragraph. The initial period of stay for the temporary visa is not to be confused with the term of the residence permit.

Art. 23. The provisions of art. 20 may be applied to nationals of countries exempt from visas to visit the country.

Sole paragraph. Periods of stay and counting distinct from those provided for in art. 20 may be established, observing the reciprocity of treatment for Brazilian nationals.

Subsection III

Simplification of procedures and visa waiver

Art. 24. The Ministry of Foreign Affairs may issue rules on simplifying procedures for granting a visa due to reciprocity of treatment or for other reasons that it deems relevant.

Art. 25. The simplification and reciprocal exemption of visas or collection of rates and consular fees for its processing may be defined through diplomatic communication.

Paragraph 1. The waiver of visas referred to in the head provision shall be granted, at the discretion of the Ministry of Foreign Affairs, to nationals of the countries that ensure reciprocity of treatment for Brazilian nationals, while this reciprocity lasts, and the requirements for reciprocal waiver shall be defined through diplomatic communication.

Paragraph 2. The joint act of the Ministers of State for Justice and Public Security and Foreign Affairs may, exceptionally, waive the requirement of visit visas for certain nationalities, subject to the national interest. (Wording given by Decree nº 9,731, 2019 (Effective)

Paragraph 3. The Ministry of Foreign Affairs shall inform the Federal Police and other competent authorities about the countries to which the visa exemption applies and the conditions regarding this exemption.

Art. 26. The visa may be requested and issued electronically, dispensing with the affixing of the corresponding consular label on the applicant's travel document, as defined in an act of the Minister of State for Foreign Affairs, which shall include nationalities, terms, and the conditions applicable for its concession.

Paragraph 1. The visa requests referred to in the head provision shall be processed by the Ministry of Foreign Affairs, which shall be based on the available technological capacity and security guarantees the procedure offers regarding the nationals of the country to which it applies.

Paragraph 2. To obtain a visa electronically, the applicant must:

I – fill in and send the form available on the website indicated by the Ministry of Foreign Affairs;

II – electronically present the documents required by the Minister of State for Foreign Affairs; and

III - pay the rates and fees charged for processing the visa request.

Paragraph 3. The Brazilian consular authority may request the original documents to resolve doubts and additional documents for the instruction of the request made electronically.

Paragraph 4. The consular authority may, at its discretion, request the applicant's appearance at one of the locations mentioned in the head provision of art. 7 to conduct an interview.

Subsection IV

Negative clearance and denial of visas

Art. 27. The visa shall not be granted:

I - to those who do not fulfill the requirements for the type of visa requested, defined in specific regulations, when applicable;

II - to those who have proved to have concealed an impediment to granting a visa or entering the country;

III – to those under eighteen years of age unaccompanied or without written travel authorization from legal guardians or the competent authority; and

IV – to those, at the time of requesting the visa, behaves aggressively, insultingly, or disrespectfully towards the agents of the Brazilian consular service.

Sole paragraph. The non-granting of a visa does not prevent the submission of a new request, provided the requirements for the type of visa requested are met.

Art. 28. The visa may be denied to the person:

I - previously expelled from the country, while the effects of the expulsion are in force;

II - under the terms defined by the Rome Statute of the International Criminal Court, 1998, enacted by Decree nº 4,388 of September 25th, 2002, sentenced or responding to proceedings for:

a) act of terrorism or crime of genocide;

b) crime against humanity;

c) war crime; or

d) crime of aggression;

III - convicted or responding to a lawsuit in another country for a felony subject to extradition under Brazilian law;

IV - whose name is included in a list of restrictions by court order or by a commitment assumed by the country before an international organization; and

V - who has performed an act contrary to the principles and objectives set out in the Constitution.

Sole paragraph. The person who has a denied Brazilian visa shall be prevented from entering the country as long as the conditions that gave rise to the denial persist.

Section II

Visit visa

Art. 29. The visit visa may be granted to the visitor who comes to the country for a short stay, with no intention of establishing residence, for the purposes of tourism, business, transit, performing artistic or sports activities, or in exceptional situations, for national interest.

Paragraph 1. The visiting visa beneficiary is forbidden from exercising remunerated activity in the country.

Paragraph 2. For the purposes of the provisions of this article, activities regarding tourism include conducting tourism, informative, cultural, educational, or recreational activities, in addition to family visits, participation in conferences, seminars, congresses, or meetings, conducting voluntary service or research, education, or academic extension activity, provided the provisions of Paragraph 1 are observed and that the activity performed does not have a term greater than that provided for in art. 20.

Paragraph 3. For the purposes of the provisions of this article, business-related activities include the participation in meetings, fairs, and business events, news coverage or filming and reporting, prospecting for commercial opportunities, signing contracts, conducting audits or consultations, and acting as a crew member of an aircraft or vessel, provided the provisions of Paragraph1 are observed and the activity performed does not have a term greater than that provided for in art. 20.

Paragraph 4. The visit visa issued for artistic and sports activities shall also include technicians in entertainment shows and other professionals who, in an auxiliary character, participate in the activity of the artist or sportsman.

Paragraph 5. The visit visa issued for artistic and sporting activities shall not exempt the holder from obtaining authorization and registration with the Ministry of Labor to conduct the artistic activities.

Paragraph 6. The Ministry of Foreign Affairs shall communicate to the Ministry of Labor about the visit visas issued for conducting artistic or sports activities, audit and consultation, or acting as a seafarer, and shall inform the financial subsidies to be received by the visitor.

Paragraph 7. The visit visa issued for conducting artistic or sports activities, audit and consultation, or acting as a seafarer on the vessels not mentioned in items I and II, subitems “a” and “b”, shall have a stay period of up to ninety days, extendable for each migratory year, observing the following: (Wording given by Decree nº 9,500, 2018)

I - if the seafarer enters the country on a long-distance trip or sea or river cruises along the Brazilian coast, for stays of up to one hundred and eighty days each migratory year, he/she shall be exempt from visa, provided that he/she presents an international seafarer card issued under the terms of the Convention of the International Labor Organization; and (Wording given by Decree nº 9,500, 2018)

II - if the seafarer, when entering the country, does not comply with the provisions of item I, he/she must apply for the temporary visa referred to in art. 38, if onboard: (Wording given by Decree nº 9,500, 2018)

a) a Brazilian flag vessel, regardless of the term; (Included by Decree nº 9,500, 2018)

b) a foreign vessel of sea or river cruises and the stay is for a period exceeding one hundred and eighty days for each migratory year; and (Included by Decree nº 9,500, 2018)

c) other vessels or platforms not mentioned in subitems “a” and “b” and the stay exceeds ninety days for each migratory year. (Included by Decree nº 9,500, 2018)

Paragraph 8. The exceptional situations of granting a visit visa, according to the national interest, shall be defined:

I - in an act of the Minister of State for Foreign Affairs; or

II - in a joint act of the Ministers of Foreign Affairs and Labor, when concerning labor issues.

Paragraph 9. The visit visa beneficiary may receive payment from the Government, from a Brazilian employer, or a private entity daily as travel or cost-share allowance, cache, or other travel expenses, and can compete for prizes, including in cash, in sports competitions, or artistic or cultural contests.

Paragraph 10. The visit visa shall not be required in the event of a stopover or connection within the national territory, provided the visitor does not leave the international transit area.

Paragraph 11. In addition to the documents referred to in art. 10, head provision, items I, II, III, and IV, may be required:

I - proof of means of transport for entering and leaving the national territory;

II - proof of means of subsistence compatible with the term and purpose of the intended trip; and

III - documentation attesting to the nature of the activities to be conducted in the country.

Paragraph 12. Additional documents and in-person interviews may be requested to confirm the purpose of the trip.

Art. 30. The visit visa may be transformed into a residence permit or diplomatic, official, or courtesy visa in the national territory provided the visitor fulfills the requirements established in this Decree.

Art. 31. An act of the Minister of State for Foreign Affairs shall establish the procedures for granting the visit visa.

Art. 32. The Ministry of Foreign Affairs shall be responsible for disclosing and maintaining an electronic site the updated list of countries where nationals are exempt from visit visas.

Section III

Temporary visa

Art. 33. A temporary visa may be granted to immigrants who come to the country in order to establish residence for a specific time and which fits in, at least, one of the following hypotheses:

I - the purpose of the temporary visa is:

a) research, education, or academic extension;

b) health treatment;

c) humanitarian reception;

d) study;

e) work;

f) vacation-work;

g) practice of religious activity;

h) voluntary service;

i) investing;

j) activities with economic, social, scientific, technological, or cultural relevance;

k) family reunion; or

l) artistic or sports activities with a fixed-term contract;

II - the immigrant is a beneficiary of a visa treaty; or

III - serving the interests of the national migration policy.

Art. 34. The temporary visa for research, education, or academic extension may be granted to immigrants with or without an employment relationship with the Brazilian research or educational

institution, requiring, in the event of a relationship, proof of compatible higher education or equivalent scientific recognition.

Paragraph 1. The temporary visa for research, education, or academic extension with an employment relationship in the country shall be granted to the immigrant who proves a job offer, characterized by a work or service contract signed with a Brazilian research or education institution.

Paragraph 2. The temporary visa for research, education, or academic extension without employment relationship in the country shall be granted to the immigrant holding a scholarship or assistance in one of the modalities provided for in the head provision when the scholarship term exceeds ninety days.

Paragraph 3. The immigrant who has an institutional relationship abroad and intends to conduct research, education, or academic extension activities subsidized by a foreign research or education institution is included in the hypothesis provided for in Paragraph 2, provided in partnership with a Brazilian institution.

Paragraph 4. An immigrant, who is in the country under the protection of a temporary visa for research, education, or academic extension, without an employment relationship in the country, for a period exceeding ninety days, may exercise remunerated activity in the country, provided it is related to the area of research, education, or academic extension.

Paragraph 5. The granting of the temporary visa referred to in the head provision shall observe the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Paragraph 6. For the purposes of granting the visa referred to in the head provision, a residence permit before the issuance of the visa shall be requested from the Ministry of Labor, except in the cases defined in a resolution of the National Immigration Council.

Paragraph 7. The granting of the residence permit referred to in Paragraph 6 shall not imply the automatic issuance of the temporary visa referred to in the head provision.

Art. 35. The temporary visa for health treatment may be granted to the immigrant and his/her partner, provided the immigrant proves that he has sufficient means of subsistence.

Paragraph 1. The granting of a temporary visa for health treatment, without prejudice to the right to health of immigrants established in the country, shall be conditioned to the proof of sufficient means of subsistence to cover their treatment and maintenance during the period in which the treatment is conducted, by own resource, health insurance valid in the national territory, or certificate of health service provision provided for in a treaty to which the country is a party.

Paragraph 2. A temporary visa may be, exceptionally, granted to more than one companion, even if family reunion requirements are not met, provided medical need is proven.

Paragraph 3. The holders of the temporary visa referred to in the head provision shall not be entitled to exercise remunerated activity in the country.

Paragraph 4. A joint act of the Ministers of State for Justice and Public Security and Foreign Affairs shall regulate the temporary visa granting referred to in the head provision.

Art. 36. The temporary visa for humanitarian reception may be granted to the stateless person or the national of any country in a situation of serious or imminent institutional instability, armed conflict, major calamity, environmental disaster, or serious violation of human rights or international humanitarian law.

Paragraph 1. A joint act of the Ministers of State for Justice and Public Security, Foreign Affairs, and Labor shall define the conditions, terms, and requirements for issuing the visa mentioned in the head provision for nationals or residents of countries or regions specified therein.

Paragraph 2. A joint act of the Ministers of State for Justice and Public Security, Foreign Affairs, and Labor may establish specific instructions for the visa holder's travel abroad referred to in the head provision.

Paragraph 3. The possibility of the free exercise of labor activity shall be acknowledged to the immigrant to whom the temporary visa referred to in the head provision has been granted under the terms of the current legislation.

Art. 37. A temporary student visa may be granted to an immigrant who intends to come to the country to attend a regular course or undertake an internship or exchange of study or research.

Paragraph 1. The temporary student visa authorizes the immigrant to conduct the activities provided for in the head provision linked to a specific educational institution.

Paragraph 2. The exercise of remunerated activity compatible with the study load shall be allowed to the visa holder mentioned in the head provision, under the terms of the current legislation.

Paragraph 3. A joint act of the Ministers of State for Justice and Public Security and Foreign Affairs shall establish the conditions and procedures for granting the visa mentioned in the head provision.

Art. 38. A temporary work visa may be granted to immigrants who come to work with or without employment in the country.

Paragraph 1. The temporary work visa with an employment relationship shall be granted through proof of job offer in the country, subject to the following:

I - the job offer is characterized by an individual employment contract or a service provision contract; and

II - immigrant seafarers onboard a Brazilian flag vessel must have an individual employment contract in the country.

Paragraph 2. The temporary work visa without an employment relationship shall be granted through proof of job offer in the country when concerning the following activities:

I - provision of service or technical assistance to the Brazilian Government;

II - provision of services due to an international cooperation agreement;

III - provision of technical assistance or technology transfer services;

IV – representation, in the country, of a financial or similar institution headquartered abroad;

V - representation of a non-profit legal entity under private law;

VI - receiving professional training from a Brazilian subsidiary, branch, or parent company;

VII - performance as seafarer: (Wording given by Decree nº 9,500, 2018)

a) onboard a foreign vessel on a long-haul trip or sea or river cruises along the Brazilian coast with a stay exceeding one hundred and eighty days each migratory year; and (Included by Decree nº 9,500, 2018)

b) onboard other vessels or platforms not mentioned in subitem "a" with a stay exceeding ninety days for each migratory year; (Included by Decree nº 9,500, 2018)

VIII - professional internship or professional exchange;

IX - exercise of position, function, or assignment that requires, due to Brazilian law, residency for an indefinite period;

X - conducting activity as a correspondent for a newspaper, magazine, radio, television, or foreign news agency; or

XI - auditing or consulting with a stay of more than ninety days.

Paragraph 3. The temporary visa referred to in the head provision shall not be required from the seafarer who enters the country on a long-haul trip or on sea cruises along the Brazilian coast, provided he/she presents an international seafarer card issued under the terms of the Convention of the International Labor Organization.

Paragraph 4. For the request of the provision of item VII of Paragraph 2, foreign vessels or platforms are considered, among others, those used in the navigation of maritime support, exploration or prospection, coastal navigation, geophysical survey, dredges, and fishing vessels.

Paragraph 5. The job offer referred to in the head provision shall be waived and considered proof of qualification in a higher education program or equivalent, in the event of strategic professional skills for the country, as provided for in a joint act of the Ministers of State of Justice and Security Public Affairs, Foreign Affairs, and Labor, in consultation with the National Immigration Council.

Paragraph 6. To attract labor in strategic areas for national development or with a deficit of professional competencies for the country, a joint act of the Ministers of State for Justice and Public

Security, Foreign Affairs, and Labor, in consultation with the National Council of Immigration, shall establish simplified conditions for the granting of a temporary work visa purposes.

Paragraph 7. The possibility of modifying the place of exercise of the work activity, in the same company or the same economic group, shall be acknowledged to the immigrant who has been granted a temporary work visa through communication to the Ministry of Labor.

Paragraph 8. The granting of a temporary work visa shall observe the requirements, conditions, term, and procedures established in a resolution of the National Immigration Council.

Paragraph 9. For the purposes of granting the visa referred to in the head provision, a residence authorization shall be requested from the Ministry of Labor before the issuance of the visa, except for the hypotheses defined in a resolution of the National Immigration Council.

Paragraph 10. The granting of the residence permit referred to in Paragraph 9 shall not imply the automatic issuance of the temporary visa referred to in the head provision.

Art. 39. The temporary vacation-work visa may be granted to immigrants over sixteen years of age who are nationals of a country that grants identical benefits to the Brazilian nationals, in terms defined by the Ministry of Foreign Affairs through diplomatic communication.

Paragraph 1. The holder of the visa mentioned in the head provision may remain in the country primarily for tourism purposes, permitted to conduct a remunerated activity, in accordance with the Brazilian legal system, as an income supplement.

Paragraph 2. The term of expiration of the visa mentioned in the head provision and the number of immigrants who can apply for this visa shall be defined through diplomatic communication and observe the reciprocity of treatment.

Paragraph 3. The transformation of the temporary vacation-work visa shall observe the reciprocity of treatment established through diplomatic communication.

Art. 40. A temporary visa for religious activities may be granted to:

I – a minister of religious confession;

II - a member of an institute of consecrated or confessional life; or

III - a member of a religious order.

Sole paragraph. The granting of a temporary visa to practice religious activities shall observe the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Art. 41. Temporary visas for the provision of voluntary service with a public or private non-profit entity, or an organization linked to a foreign Government, may be granted provided there is no employment or remuneration of any kind.

Sole paragraph. The granting of a temporary visa to practice voluntary service shall observe the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Art. 42. Temporary visas may be granted to immigrant individuals who intend, with their resources of external origin, to invest in legal entities in the country, in a project with the potential to generate jobs or income in the country.

Paragraph 1. Investment in legal entities in the country is understood as:

I - an investment of external origin in a Brazilian company, according to the regulations of the Central Bank of Brazil;

II - a creation of a simple company or entrepreneur; and

III - other hypotheses foreseen in the policies for attracting foreign investments.

Paragraph 2. The granting of the temporary visa referred to in this article shall observe the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Paragraph 3. To grant the visa referred to in the head provision, a residence permit shall be requested from the Ministry of Labor before the visa issuance, except in the cases defined in a resolution of the National Immigration Council.

Paragraph 4. The granting of the residence permit referred to in Paragraph 3 shall not imply the automatic issuance of the temporary visa referred to in the head provision.

Art. 43. A temporary visa may be granted to immigrant administrators, managers, directors, or executives with management powers, who come to the country to represent civil or commercial society, groups or economic conglomerates that conduct foreign investments in a company established in the country, with the potential for generating jobs or income in the country.

Paragraph 1. The granting of the temporary visa referred to in the head provision shall be conditioned to the exercise of the function assigned to him/her in the contract or minutes duly registered with the competent body.

Paragraph 2. The granting of the temporary visa referred to in this article shall observe the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Paragraph 3. To grant the visa referred to in the head provision, a residence permit shall be requested from the Ministry of Labor before the visa issuance, except in the cases defined in a resolution of the National Immigration Council.

Paragraph 4. The granting of the residence permit referred to in Paragraph 3 shall not imply the automatic issuance of the temporary visa referred to in the head provision.

Art. 44. A temporary visa for conducting activity of economic, social, scientific, technological, or cultural relevance may be granted in the cases and under the conditions defined in a joint act of the Ministers of State for Justice and Public Security, Foreign Affairs, and the Labor, having consulted the National Immigration Council.

Art. 45. A temporary visa for family reunion purposes shall be granted to the immigrant:

I - spouse or partner, without discrimination, under the terms of the Brazilian legal system;

II - the son of a Brazilian or an immigrant beneficiary of a residence permit;

III - who has a Brazilian child;

IV - who has an immigrant child who is beneficiary of a residence permit;

V - ancestor to the second degree of Brazilian or immigrant beneficiary of a residence permit;

VI - descendant to the second degree of Brazilian or immigrant beneficiary of a residence permit;

VII - brother/sister of a Brazilian or immigrant beneficiary of a residence permit; or

VIII - who has a Brazilian under their tutelage, guardianship, or custody.

Paragraph 1. An act of the Minister of State for Foreign Affairs may provide for the need for in-person interviews and presentation of additional documentation to prove, when necessary, the family bond.

Paragraph 2. A joint act of the Ministers of State for Justice and Public Security and Foreign Affairs shall establish other kinship hypotheses to grant the visa referred to in the head provision and the requirements, terms, conditions, and procedures.

Paragraph 3. The visa holder mentioned in the head provision may exercise any activity in the country, including remunerated, under equal conditions with the Brazilian national, under the terms of the law.

Paragraph 4. The request for a temporary visa for family reunion purposes may occur concurrently with the request for a temporary visa for the calling family member.

Paragraph 5. The visa mentioned in the head provision cannot be granted when the applicant is the beneficiary of a visa or residence permit by family meeting or provisional residence permit.

Art. 46. A temporary visa for artistic or sporting activities may be granted to immigrants who come to the country to participate in exhibitions, shows, artistic presentations, artist meetings, sports competitions, and other similar activities, to remain in the country for a period exceeding ninety days, with a fixed-term contract, with no employment relationship with an individual or legal entity based in the country.

Paragraph 1. The temporary visa granted for artistic and sports activities also covers technicians in entertainment shows and other professionals who, in an auxiliary character, participate in the activity of the artist or sportsman.

Paragraph 2. The granting of a temporary visa for artistic or sporting activities for those over 14 and under 18 years of age, who come to the country to undergo training in a cultural center or sports entity shall be defined in a resolution of the National Immigration Council, in which case the renewal of the visa shall be subject to proof of enrollment and academic achievement.

Paragraph 3. The immigrant in the country under the protection of the temporary visa referred to in the head provision may only exercise paid activities in the country of an artistic or sporting nature.

Paragraph 4. The granting of a temporary visa for artistic or sporting activities shall observe the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Paragraph 5. To grant the visa referred to in the head provision, a residence permit shall be requested before the visa issuance, except in the hypotheses defined in a resolution of the National Immigration Council.

Paragraph 6. The granting of the residence permit referred to in Paragraph 5 shall not imply the automatic issuance of the temporary visa referred to in the head provision.

Art. 47. A temporary visa may be granted to the immigrant beneficiary of the visa treaty.

Sole paragraph. For the granting of the visa mentioned in the head provision, the provisions of the bilateral or multilateral treaty that regulate the subject and, alternatively, the provisions of this Decree, as applicable, shall be observed.

Art. 48. A temporary visa may be granted to meet national migration policy interests, in other cases defined in a joint act by the Ministers of State for Justice and Public Security, Foreign Affairs, and Labor.

Art. 49. In addition to the documents referred to in the art. 10, head provision, items I, II, III, and IV, may be required for the granting of temporary visas:

I - proof of means of a transport entering the national territory;

II - proof of means of transport leaving the national territory, when applicable;

III - proof of means of subsistence compatible with the term and purpose of the intended trip;

IV - documentation attesting to the nature of the activities to be conducted in the country, according to the type of visa, as defined in specific acts;

V - certificate of criminal record issued by the country of origin, or, at the discretion of the consular authority, given the country's specificities where the visa was requested, an equivalent document.

Sole paragraph. To confirm the purpose of the trip, additional documents and in-person interviews may be required.

Art. 50. Temporary visas may be transformed into a residence permit or on diplomatic, official, or courtesy visa, in the national territory, provided the immigrant to fulfill the requirements established in this Decree.

Section IV

Diplomatic, official, and courtesy visas

Art. 51. Diplomatic, official, and courtesy visas shall be granted, extended, or waived by the Minister of State for Foreign Affairs.

Sole paragraph. The act referred to in the head provision shall define the rules for granting, extending, and waiving, subject to the treaties to which the country is a party.

Art. 52. Diplomatic and official visas may be transformed into a residence permit, provided the requirements for obtaining a residence permit are met, and all prerogatives, privileges, and immunities resulting from the visa shall cease.

Sole paragraph. Exceptionally, in the cases provided for in the head provision, compliance with the requirements for obtaining a residence permit may be waived, upon recommendation by the Ministry of Foreign Affairs, subject to the cases of denial of a residence permit based on items I, II, III, IV, and IX of the head provision of art. 171.

Article 53. Diplomatic and official visas may be granted to foreign officials and employees who travel to the country on an official mission of a transitional or permanent nature and represent a foreign state or acknowledged international body.

Paragraph 1. The provisions of Brazilian labor law do not apply to visa holders referred to in the head provision.

Paragraph 2. Diplomatic and official visas may be extended to the authorities' dependents mentioned in the head provision, in accordance with the provisions of the act of the Minister of State for Foreign Affairs.

Art. 54. The holder of a diplomatic or official visa may only be remunerated by a foreign State or international body, except as provided in art. 55 or in a treaty that contains a specific clause on the subject.

Sole paragraph. In the event of a treaty with a specific clause, the terms of that treaty shall prevail over the provisions of art. 55.

Art. 55. The dependent of a holder of diplomatic or official visa may exercise remunerated activity in the country, observing the Brazilian labor legislation, provided that there is a reciprocity of treatment concerning Brazilian nationals.

Paragraph 1. The dependent of a foreign official accredited in the country, subject to the visa waiver treaty, shall receive the same treatment as the dependent of a holder of diplomatic or official visa.

Paragraph 2. If the holder of a diplomatic visa is on an official mission in the service of a foreign State, the reciprocity of treatment for Brazilian nationals in a similar situation in that State must be ensured through diplomatic communication.

Paragraph 3. If the holder of a diplomatic visa is an official of an international organization, the requirement of reciprocity of treatment shall be considered met if there is an equivalent treatment for the Brazilian national in the country in which the said organization is based.

Paragraph 4. If there is a need to ensure reciprocity of treatment with a foreign State, diplomatic communication may be effected through an exchange of notes, at the discretion of the Ministry of Foreign Affairs, that allows the exercise of remunerated activity by foreign dependents in the country and Brazilian dependents abroad, provided that the provisions of Law nº 13,445 of 2017 and this Decree are observed.

Art. 56. Authorization to exercise remunerated activity in the country shall be granted through a specific request, which shall be forwarded through diplomatic channels to the Ministry of Foreign Affairs, and shall depend on the approval of the Ministry of Labor, observing the following:

I - the dependent authorized to exercise initiated remunerated activity shall not enjoy immunity from civil or administrative jurisdiction for acts directly related to the performance of the activity in the national territory;

II - the authorization to exercise remunerated activity shall end when the beneficiary no longer meets the condition of dependent or on the date of definitive departure of the holder from the national territory after the end of his/her duties;

III - national legislation shall be observed concerning the positions or functions private of Brazilian nationals;

IV - the recognition of diplomas and titles obtained abroad, when necessary for the exercise of the position or function, shall depend on the observance of the rules and procedures applicable to Brazilian nationals or foreign residents;

V - if regulated professions, the same requirements applicable to Brazilian nationals or foreigner resident shall be met; and

VI - dependents hall be subject to Brazilian labor, social security, and tax legislation regarding the activity performed and shall collect taxes and charges arising from the exercise of that activity.

Art. 57. A courtesy visa may be granted:

I – to foreign personalities and authorities on unofficial travel to the country;

II – to partners, dependents, and family members in a direct line, who are not beneficiaries of the visa referred to in Paragraph 2 of art. 53;

III - to private employees with a diplomatic, official, or courtesy visa;

IV – to domestic workers on foreign missions based in the country;

V – to foreign artists and sportspeople who come to the country for a free event, of an eminently cultural character, with no perception of fees in Brazilian territory, under the formal request of a foreign diplomatic mission or international organization of which the country is a party;

VI - exceptionally, at the discretion of the Ministry of Foreign Affairs, to other persons not listed in the other cases provided for in this article.

Paragraph 1. The private employee or domestic worker holding a courtesy visa may only exercise remunerated activity for the employer to which he is linked, under the protection of the Brazilian labor legislation, under the terms established in an act of the Minister of State for Foreign Affairs.

Paragraph 2. The employer with a courtesy visa shall be responsible for the departure of his private employee or domestic worker from the national territory within thirty days, counting from the date on which the employment relationship ceases.

CHAPTER III

CIVIL REGISTER AND IDENTIFICATION OF THE IMMIGRANT AND HOLDERS OF DIPLOMATIC, OFFICIAL, AND COURTESY VISAS

Section I

General provisions

Art. 58. The Federal Police is responsible for:

I – organizing, maintaining, and managing the immigrant's civil identification procedures;

II- producing the National Migration Registration Card; and

III - administering the database related to the National Migration Registry.

Art. 59. The Ministry of Foreign Affairs is responsible for:

I - organizing, maintaining, and managing the procedures of civil identification of the holders of diplomatic, official, and courtesy visas;

II - producing the identification document of the holders of diplomatic, official, and courtesy visas; and

III - administering the registration database of the holders of diplomatic, official, and courtesy visas.

Art. 60. The Ministry of Foreign Affairs and the Federal Police shall electronically integrate their databases related to foreigners' registration.

Art. 61. The registration request is personal.

Sole paragraph: In the event of an incompetent person, the request shall be made by a representative or legal assistant.

Section II

Registration and civil identification of the immigrant holder of a temporary visa or residence permit

Art. 62. The registration consists of entering data into the Federal Police's system through civil identification using biographical and biometric data.

Paragraph 1. The registration referred to in the head provision shall be mandatory for all immigrants holding temporary visas or residence permits.

Paragraph 2. The insertion referred to in the head provision shall generate a unique number of National Migration Registry, which shall ensure immigrants the full exercise of civil life acts.

Art. 63. The National Migratory Registration Card shall be provided to the registered immigrant and shall include the unique National Migration Registration number.

Paragraph 1. If the National Immigration Registration Card is not issued, the registered immigrant shall present the protocol received upon request, accompanied by the travel document or other identification document established in an act of the Minister of State of the Ministry of Justice and Public Security, and shall have ensured the rights provided for in Law nº 13,445 of 2017, for up to one hundred and eighty days, extendable by the Federal Police, without charge to the applicant.

Paragraph 2. The National Migration Registry Card may be issued electronically, under the terms established in an act of the Federal Police, without prejudice to the physical document's issuance.

Art. 64. The immigrant holder of a temporary visa who has entered the country must proceed with the request for registration within ninety days, counting from the date of entry into the country, under penalty of applying the sanction provided for in item III of the head provision of art. 307.

Paragraph 1. In the case of a domestic employee, the registration must take place within thirty days, counting from the date of entry into the country, with proof of the entry in the Work and Social Security Card and the registration in the Digital Bookkeeping of Tax, Social Security, and Labor - e-Social.

Paragraph 2. In the event of not proving the entry in the Work and Social Security Card and registration in e-Social within the period referred to in Paragraph 1, the Federal Police shall register the immigrant and notify the Ministry of Labor.

Art. 65. The immigrant's travel document with a valid temporary visa is proof of his/her identity and demonstrate the regularity of his/her stay in the country while the period for registration has not expired, regardless of the dispatch of the National Migration Registration Card.

Art. 66. The immigrant who has been granted the request for a residence permit must proceed with the registration request within thirty days, counting from the date of publication of the granting of the

said request, under penalty of the request of the sanction provided for in item IV of the head provision of art. 307.

Sole paragraph. The publication referred to in the head provision shall preferably be made electronically.

Article 67. Registration must be requested:

I - in any unit of the Federal Police where immigrants are assisted, for holders of temporary visas or with residence permits granted as seafarers;

II - at the Federal Police unit in which there is assistance to immigrants from the constituency where the applicant with a residence permit granted is domiciled based on a hypothesis other than that of working as a seafarer; or

III - at the Federal Police unit where immigrants from the municipality are assisted, where the border resident intends to exercise the rights assigned to him by Law nº 13,445 of 2017.

Paragraph 1. In compliance with Law nº 10,048 of November 8th, 2000, the following may apply for registration at the Federal Police unit closest to their residence:

I - people with disabilities;

II - the elderly aged sixty or over;

III - pregnant women;

IV - lactating women;

V - people with infants; and

VI - the obese.

Paragraph 2. The Federal Police may allow the immigrant registration in units other than those established in the head provision, through a request and reasoned decision, in exceptional cases.

Art. 68. The registration of the immigrant's biographical data shall occur by presenting the travel document or other identification document accepted under the terms established in an act of the Minister of State for Justice and Public Security.

Paragraph 1. If the documentation presents contradictions or does not contain filiation data, the immigrant must present:

I - birth certificate;

II - marriage certificate;

III - consular certificate of the country of nationality; or

IV - judicial justification.

Paragraph 2. The registration and civil identification of persons who have been acknowledged as refugees or stateless persons, those who have been granted asylum, or those benefiting from humanitarian reception may be performed with the presentation of the documents available to the immigrant.

Paragraph 3. The presentation of the documentation mentioned in Paragraph 1 and Paragraph 2 must comply with the rules of legalization and translation, including those contained in treaties to which the country is a party.

Paragraph 4. An act of the Minister of State for Justice and Public Security may establish the requirements for the registration referred to in Paragraph 2 and the waiver of legalization and translation under the terms of the law and the treaties signed by the country.

Article 69. For registration purposes, the immigrant's name and nationality shall be those in the documentation presented, preferably the travel document.

Paragraph 1. If the identification document presented contains the name in an abbreviated form, the immigrant must prove its spelling in full with another suitable document.

Paragraph 2. If the nationality has been consigned by an international organization or by a third country authority, it shall only be noted in the register if confirmed by presenting a suitable document or by a competent diplomatic or consular authority.

Paragraph 3. If the documentation presented omits the nationality of the holder, the immigrant shall be registered:

I - as a stateless person, in case of absence of nationality; or

II - as of indefinite nationality, if it cannot be proved in the form established in Paragraph 2.

Paragraph 4. The immigrant may request, at any time, the inclusion of his social name in his official documents. (Wording given by Decree nº 9,631 of 2018)

Paragraph 5. The Government databases shall contain a highlighted field for “social name”, which shall be accompanied by the immigrant's civil name and shall be used only for internal administrative purposes. (Included by Decree nº 9,631 of 2018)

Art. 70. At the time of registration, the immigrant must provide the data regarding his/her physical address and, if any, his/her email address.

Sole paragraph. It shall be the immigrant's responsibility to maintain updated the data referred to in the head provision.

Art. 71. Apart from the name, nationality, filiation, and date of birth, the other biographical data not included in the documents presented shall be attested through a declaration made by the immigrant,

who, in the event of a false declaration, shall be subject to applicable sanctions of administrative, civil, and criminal law.

Art. 72. The immigrant shall have the burden of properly instructing the registration request and providing any additional information requested by notification.

Paragraph 1. The notification referred to in the head provision shall be made, preferably, by electronic means.

Paragraph 2. It shall be the immigrant's responsibility, during the procedure of his/her registration request, to monitor the sending of notifications to his electronic address.

Paragraph 3. The Federal Police shall simultaneously publish the notification made by electronic means on its website.

Paragraph 4. In the absence of a response from the immigrant within thirty days, counting from the date of the publication referred to in Paragraph 3, the evaluation procedure of his/her request shall be extinguished, without prejudice to the use of the documents that remain valid in a new procedure.

Article 73. The immigrant's residence permit shall contain the immigrant's term of residence, as established in the residence permit obtained.

Paragraph 1. The date of commencement of the term of residence of the immigrant who has entered under the temporary visa protection shall be that of the first entry into the country.

Paragraph 2. The date of commencement of the term of residence of the immigrant who has obtained a residence permit in the country shall be that of request for registration.

Paragraph 3. If the immigrant who has obtained a residence permit in Brazil does not apply for registration within the period provided for in item IV of the head provision of Art. 307, the residency period shall be counted from the expiration of the thirty days, counted from the date of publication of the decision that granted the residence permit.

Paragraph 4. In the event of a temporary residence, the National Migratory Registration Card's expiration date shall coincide with the end of the term of the residence permit.

Art. 74. The National Migration Registration Card shall be valid for nine years, counting from the date of registration, when concerning the residency for an indefinite period.

Sole paragraph. Under the hypothesis considered in the head provision, the term of expiration of the National Migration Registry Card shall be undetermined when the holder:

I - has completed sixty years of age by the term of expiration of the document; or

II - is a person with a disability.

Article 75. It shall be necessary to amend the National Migration Registry, through a request from the immigrant addressed to the Federal Police, duly instructed with the necessary documentary evidence, in the following cases:

I - marriage;

II - stable union;

III - annulment and nullity of marriage, divorce, legal separation, and dissolution of a stable union;

IV - acquisition of nationality different from that on the registration; and

V - loss of the nationality on the register.

Paragraph 1. If the hypothesis occurs in a foreign territory, the documentation that proves it must respect the rules of legalization and translation, in accordance with the treaties to which the country is a party.

Paragraph 2. If a person registered as a refugee or beneficiary of the protection of a stateless person, the changes regarding nationality shall be communicated, preferably electronically, to the National Committee for Refugees and the Ministry of Foreign Affairs.

Art. 76. Apart from the cases provided for in art. 75, changes to the registry that include changes to the immigrant's name shall only be made after a court ruling.

Art. 77. The Federal Police shall officially rectify the material errors identified in the registration procedure and in the issuance of the National Migratory Registration Card.

Art. 78. An act of the Federal Police's maximum officer shall provide for the registration procedures of the holder of a temporary visa or residence permit and the border resident and its alteration.

Art. 79. An act of the Minister of State for Justice and Public Security shall provide for the concomitant processing of the registration and residence permit requirements in the cases within its competence.

Art. 80. An act of the Federal Police shall provide for the issuance of the National Migration Registration Card.

Sole paragraph. The act referred to in the head provision shall define the model to be adopted for the National Migration Registration Card.

Art. 81. The Civil Registry Offices shall forward to the Federal Police, preferably by electronic means, monthly information regarding the records, and immigrants' death.

Section III

Registration and civil identification of holders of diplomatic, official, and courtesy visas

Art. 82. The Ministry of Foreign Affairs shall register and issue the civil identification document:

I - to holders of diplomatic, official, and courtesy visas; and

II – to holders of diplomatic, official, or service passports who have entered the country under the protection of a visa waiver agreement.

Paragraph 1. The registration referred to in the head provision shall be mandatory when the foreigner's stay in the country exceeds ninety days and must be requested within that same period, counting from the date of entry into the country.

Paragraph 2. The Ministry of Foreign Affairs may issue a civil identification document to foreigners who, by a family reunion, hold a diplomatic passport or an official Brazilian passport.

Paragraph 3. The document issued under the terms established in this article shall be valid in the national territory, and its holders shall be exempted from registration with the Federal Police.

Paragraph 4. In the event of agents or employees of a foreign state or international body, the document issued under the terms of items I and II of the head provision shall attest to their condition as a foreign representative or international employee.

Paragraph 5. The document issued under the terms of the head provision shall contain information regarding any privileges and immunities to which its holders are entitled, under the terms of treaties to which the country is a party.

Art. 83. Exceptionally, the Ministry of Foreign Affairs may grant the Brazilian national or immigrant resident an identification document attesting to his/her status as an agent or employee of a foreign state or international body and any privileges and immunities which he/she bears.

Art. 84. The Ministry of Foreign Affairs shall be responsible for maintaining records of the beginning and end dates of privileges and immunities to which the persons referred to in art. 82 and art. 83 and any waivers presented by the parties authorized to do so.

Art. 85. An act of the Minister of State for Foreign Affairs shall provide for the registration procedures for the holders of diplomatic, official, and courtesy visas.

CHAPTER IV

BORDER RESIDENT

Art. 86. A border resident may be allowed to enter a Brazilian border municipality by presenting a valid travel document or identity card issued by an official body identifying the country of his/her nationality.

Art. 87. The authorization to perform acts of civil life may be granted to border residents through a request addressed to the Federal Police to facilitate their free movement.

Sole paragraph. The border resident may opt for a more beneficial regime provided for in a treaty to which the country is a party.

Art. 88. The authorization referred to in the head provision of art. 87 shall indicate the border municipality in which the resident shall be authorized to exercise the rights attributed to him by Law nº 13,445 of 2017.

Paragraph 1. The border resident holding the authorization referred to in the head provision shall enjoy the guarantees and rights ensured by the general migration regime of Law nº 13,445 of 2017, subject to the provisions of this Decree.

Paragraph 2. The geographical scope of the authorization term of expiration shall be specified in the National Migration Registration Card.

Art. 89. The border resident who intends to perform acts of civil life in a border municipality, including work and study activities, shall be registered by the Federal Police and receive the National Migration Registration Card, which shall identify him/her and characterize his/her condition.

Sole paragraph. The registration shall be made through a request presenting:

I - travel document or identity card issued by an official body identifying the immigrant's nationality;

II - proof of habitual residence in a border municipality of a neighboring country;

III - criminal record certificates or equivalent document issued by the competent judicial authority where the immigrant has resided in the last five years;

IV - declaration, under the penalties of the law, of the absence of a criminal record in any country in the last five years; and

V - payment of the fee for the consignment of a foreign border card, referred to in item V of the head provision of art. 2 of Complementary Law nº 89 of February 18th, 1997.

Art. 90. The authorization to perform acts of civil life to the border resident may be granted for five years, renewable for an equal period, through a request, at the end of which the authorization for an indefinite period may be granted.

Art. 91. The authorization to perform acts of civil life to the border resident shall not be granted in the cases provided for in art. 132 or when it fits, at least, one of the cases of entry impediment defined in art. 171.

Art. 92. The border resident document shall be canceled, at any time, if the holder:

I – has defrauded a document or used a false document to obtain it;

II - obtains another migratory condition;

III - is subject to a final and unappealable criminal sentence, in the country or abroad, provided the conduct is defined in Brazilian criminal law, except for infractions with less offensive potential; or

IV - exercise rights outside the limits provided for in the authorization granted to him/her.

Article 93. The border resident may request the issuance of a Work and Social Security Card and registration in the Individual Taxpayer Register.

Sole paragraph. The Ministry of Labor, when providing the Work and Social Security Card to the border resident, shall register in it the restriction of its validity to the municipality for which the immigrant has been authorized by the Federal Police to exercise the rights attributed to him by Law nº 13,445 of 2017.

Art. 94. The authorization referred to in art. 87 and the National Migration Registration Card do not grant the border resident the right to reside in the country, in compliance with the provisions of Chapter VIII, nor do they authorize the removal of the territorial limit of the municipality that is the object of the authorization.

CHAPTER V

PROTECTION OF THE STATELESS PERSON AND REDUCTION OF STATELESSNESS

Art. 95. Statelessness shall be acknowledged to a person who is not considered national by any State, according to its legislation, under the terms of the Convention on the Statute of Stateless Persons, of 1954, enacted by Decree nº 4,246 of 2002.

Art. 96. The procedure of recognizing the status of a stateless person has the objective of verifying whether the applicant is considered national by the legislation of any State and may consider information, documents, and statements provided by the applicant and by national and international bodies and agencies.

Paragraph 1. During the procedure of recognizing the status of a stateless person, the safeguards and protective and facilitating mechanisms for social inclusion shall be imposed regarding:

I – the 1954 Convention on the Statute of Stateless Persons, enacted by Decree nº 4,246 of 2002;

II - Convention Relating to the Status of Refugees, enacted by Decree nº 50,215 of January 28th, 1961; and

III - Law nº 9,474 of 1997.

Paragraph 2. The procedure of recognizing a stateless person's status shall begin through the interested party's request submitted to the Ministry of Justice and Public Security or the Federal Police units.

Paragraph 3. The request for recognition of stateless persons' status shall be accompanied by copies of the documents available to the applicant, without prejudice to steps taken before national or international bodies and institutions to substantiate the allegations.

Paragraph 4. The applicant for recognition of stateless person status shall be entitled to the provisional residence permit, indicated through a protocol until the response to his/her request is obtained.

Paragraph 5. The protocol referred to in Paragraph 4 shall allow the enjoyment of rights in the country, including:

I - the issuance of a temporary work card;

II - inclusion in the Individual Taxpayer Register; and

III - the opening of a bank account in a financial institution supervised by the Central Bank of Brazil.

Paragraph 6. If verifying the incidence of one or more circumstances denying the recognition of a stateless person's status, the National Committee for Refugees must express its opinion.

Paragraph 7. After manifestation by the National Committee for Refugees, it shall be the responsibility of the Minister of State for Justice and Public Security to acknowledge or not the status of stateless person, in a reasoned ruling, which shall be published in the Federal Gazette and communicated to the applicant, preferably by electronic means.

Paragraph 8. After consulting the National Committee for Refugees, the procedure or recognition of statelessness shall be established in an act of the Minister of State for Justice and Public Security.

Article 97. The irregular entry into the national territory does not constitute an impediment to the request for recognition of stateless persons' status and the request of mechanisms for the protection of stateless persons and the reduction of statelessness, in which case the provisions of art. 307 shall not apply, provided the status of a stateless person is acknowledged at the end of the procedure.

Art. 98. The applicant may express his/her interest in obtaining Brazilian nationality in the request if his/her status as a stateless person is acknowledged.

Sole paragraph. If the applicant has not expressed the interest as provided for in the head provision, if his/her statelessness status is acknowledged, the Ministry of Justice and Public Security shall consult on his/her desire to acquire Brazilian nationality through naturalization.

Art. 99. Having acknowledged the status of a stateless person, if the beneficiary chooses naturalization, the Ministry of Justice and Public Security shall publish an act instituting a simplified naturalization procedure within thirty days, as well as the acts necessary for its effectiveness.

Sole paragraph. The applicant for naturalization must prove residence in the national territory for a minimum period of two years, subject to the other conditions provided for in art. 65 of Law nº 13,445, of 2017.

Art. 100. The acknowledged stateless person who does not immediately choose naturalization shall have the residence permit granted for an indefinite period.

Sole paragraph. In the event provided for in the head provision, recognizing a stateless person's status, the applicant must attend the Federal Police unit for registration purposes.

Art. 101. A negative decision to acknowledge a stateless person's status may be appealed within ten days counted from the date of the applicant's notification, preferably by electronic means.

Paragraph 1. The applicant shall be allowed to stay in the national territory during the appeal.

Paragraph 2. The person whose recognition of statelessness has been denied shall not be returned to a country where his/her life, personal integrity, or freedom are at risk.

Art. 102. The rights attributed to the migrant listed in art. 4 of Law nº 13,445 of 2017 apply to the resident stateless person.

Art. 103. The recognition of stateless persons' status shall ensure the rights and guarantees provided for in the Convention on the Statute of Stateless Persons, of 1954, enacted by Decree nº 4,246 of 2002 and other rights and guarantees acknowledged by the country.

Art. 104. The right to family reunion shall be acknowledged as soon as a stateless person's status is acknowledged.

Sole paragraph. The provisional residence permit granted to the applicant for recognition of stateless persons' status shall be extended to family members referred to in art. 153, provided they are in the national territory.

Art. 105. In the exercise of their rights and duties, the stateless person's atypical condition shall be considered by the organs of the Federal Government when it is necessary to present documents issued by their country of origin or by their diplomatic or consular representation.

Art. 106. The following hypotheses imply loss of protection for the stateless person conferred by Law nº 13,445 of 2017:

I - the waiver of the protection conferred by the country;

II - proof of the falsity of the grounds invoked to acknowledge the status of a stateless person; or

III - the existence of facts that, had they been known at the time of recognition, would have given rise to a negative decision.

Sole paragraph. The loss protection by the stateless person provided for in the head provision shall be declared by the Ministry of Justice and Public Security, after a manifestation by the National Committee for Refugees, and published in the Federal Gazette.

Art. 107. The status of statelessness shall cease with:

I – the naturalization in the country of the beneficiary of the protection;

II - the recognition as national by another State; or

III - the acquisition of a nationality other than Brazilian.

Paragraph 1. The cessation of statelessness shall result in the loss of the protection provided by Law nº 13,445 of 2017.

Paragraph 2. The residence permit previously granted to the applicant or the benefit of protection to the stateless person that falls under the hypotheses of termination of the status of statelessness provided for in items II and III of the head provision shall remain valid for ninety days.

Paragraph 3. The cessation of statelessness status in the cases provided for in items II and III of the head provision shall not prevent the request for a new residence permit, subject to the provisions of Chapter VIII.

CHAPTER VI

POLITICAL ASYLUM

Art. 108. Political asylum, which is a discretionary act of the State, may be diplomatic or territorial and shall be granted as an instrument of protection to the person who is persecuted in a State for his beliefs, opinions, and political affiliation or for acts that may be considered political offenses.

Sole paragraph. According to the Rome Statute of the International Criminal Court, 1998, enacted by Decree nº 4,388 of 2002, asylum shall not be granted to anyone who has committed:

I – a crime of genocide;

II – a crime against humanity;

III – a war crime; or

IV – a crime of aggression.

Art. 109. Political asylum may be:

I – diplomatic, when requested abroad in Brazilian legations, warships, and camps or military aircraft; or

II - territorial, when requested anywhere in the national territory, before a unit of the Federal Police or regional representation of the Ministry of Foreign Affairs.

Paragraph 1. Legation is considered the seat of any ordinary diplomatic mission and when the number of asylum seekers exceeds the normal capacity of the buildings, the residence of the heads of mission, and the locations assigned by them for this purpose.

Paragraph 2. The request for territorial asylum received by the Federal Police units shall be forwarded to the Ministry of Foreign Affairs.

Paragraph 3. The irregular entry into the national territory shall not constitute an impediment to the request for asylum and the request of protection mechanisms, in which case the provisions of art. 307 shall not apply, provided the condition of asylum is acknowledged at the end of the procedure.

Art. 110. Diplomatic asylum consists of the protection offered by the Brazilian State and the asylum seeker's conduct strictly to the national territory, in accordance with the provisions of the International Convention on Diplomatic Asylum, enacted by Decree nº 42,628 of November 13th, 1957.

Paragraph 1. It is the responsibility of the maximum authority present at the location of diplomatic asylum to ensure the integrity of the asylum seeker and to establish, along with the Secretariat of State for Foreign Affairs, the conditions, and rules for his/her stay at the location of request and the communication channels with the territorial State, to request a safe-conduct that allows the asylum seeker to access the national territory.

Paragraph 2. A territorial State is considered where the diplomatic asylum is applied.

Paragraph 3. The unauthorized departure from the location designated by the authority referred to in the head provision shall imply the waiver of diplomatic asylum.

Paragraph 4. Upon arrival in the national territory, the diplomatic asylum's beneficiary shall be immediately informed about the need to register his/her condition.

Art. 111. Territorial asylum is a discretionary act and shall comply with the provisions of the International Convention on Territorial Asylum enacted by Decree nº 55,929 of April 19th, 1965, and the impeding elements in the migratory legislation.

Art. 112. It is incumbent upon the President of Brazil to decide on the request for political asylum and the repeal of its concession, in consultation with the Minister of State for Foreign Affairs.

Art. 113. In no event shall the compulsory removal resulting from a negative decision requesting political asylum or revoking its concession be conducted to a territory where the immigrant's life and integrity may be threatened.

Art. 114. The act of granting political asylum shall provide for the conditions and duties observed by the asylum seeker.

Art. 115. The asylum seeker must report to the Federal Police to register his/her migratory status within thirty days, counting from the date of publication of the act of granting political asylum.

Art. 116. The applicant for political asylum shall be entitled to the provisional residence permit, indicated through a protocol until the response to his/her request is obtained.

Sole paragraph. The protocol provided for in the head provision shall allow the enjoyment of rights in the country, among which are:

I - the issuance of a temporary work card;

II - the inclusion in the Individual Taxpayer Register; and

III - the opening of a bank account in a financial institution supervised by the Central Bank of Brazil.

Art. 117. The right to family reunion shall be acknowledged from the granting of political asylum.

Sole paragraph. The provisional residence permit granted to the political asylum seeker shall be extended to the family members referred to in art. 153, provided they are in the national territory.

Art. 118. Leaving the country without prior notification to the Ministry of Foreign Affairs shall imply the waiver of political asylum.

Sole paragraph. The applicant for political asylum must request prior authorization from the Minister of Foreign Affairs to leave the country under penalty of filing his/her request.

CHAPTER VII

REFUGE

Art. 119. The recognition of refugee status shall follow the criteria established in Law nº 9,474 of 1997.

Paragraph 1. The safeguards and protective and social inclusion facilitation mechanisms arising from the Convention on the Status of Refugees of 1951, enacted by Decree nº 50,215 of 1961 and Law nº 13,445 of 2017, shall be in force during the procedure of recognizing the status of refugee.

Paragraph 2. The applicant for recognition of refugee status shall receive the Provisional Document of National Migration Registration, under the terms of Decree nº 9,277 of February 5th, 2018. (Wording given by Decree nº 9,277 of 2018)

Paragraph 3. The protocol referred to in Paragraph 2 shall allow the enjoyment of rights in the country, among which are:

I - the issuance of a temporary work card;

II – the inclusion in the Individual Taxpayer Register; and

III - the opening of a bank account in a financial institution supervised by the Central Bank of Brazil.

Paragraph 4. The recognition of certificates and diplomas, the requirements for obtaining resident status, and admission to academic institutions at all levels should be facilitated, considering the unfavorable situation experienced by refugees.

Art. 120. The irregular entry into the national territory shall not constitute an impediment to the request for recognition of refugee status and the request of the refugee's protection mechanisms, in

which case the provisions of art. 307 shall not apply, provided the refugee status is acknowledged at the end of the procedure.

Art. 121. In the exercise of their rights and duties, the atypical condition of the refugee shall be considered by the Federal Government's bodies when it is necessary to present documents issued by his/her country of origin or by his/her diplomatic or consular representation.

Art. 122. Asylum requests shall have priority for assessment and decision in the event of a procedure against the applicant, which may result in the request of a compulsory removal measure.

CHAPTER VIII

RESIDENCE PERMIT

Section I

General provisions

Art. 123. The immigrant, the border resident, and the visitor may request a residence permit in the national territory through a request.

Paragraph 1. The residence permit may be granted regardless of the migratory situation, provided the intended modality requirements are met.

Paragraph 2. The possession or ownership of property in the country shall not confer the right to obtain a residence permit in the national territory, without prejudice to the provisions on the residence permit for investing.

Art. 124. The visiting or courtesy visas may be transformed into a residence permit through a request.

Paragraph 1. The applicant shall prove the migratory condition of a visitor or holder of a courtesy visa and fulfill the requirements for granting a residence permit.

Paragraph 2. The competent authority shall be responsible for assessing the transformation to a residence permit.

Article 125. The diplomatic or official visas may be transformed into a residence permit through a request.

Paragraph 1. The applicant shall prove that his/her migratory condition is based on granting a diplomatic or official visa and fulfilling the requirements for granting a residence permit.

Paragraph 2. The competent authority shall be responsible for assessing the transformation to residence permit, in consultation with the Ministry of Foreign Affairs.

Paragraph 3. The transformation referred to in this article shall imply the cessation of prerogatives, privileges, and immunities arising from previous visas.

Paragraph 4. Exceptionally, in the cases of transformation provided for in this article, compliance with the requirements for obtaining a residence permit may be waived, upon recommendation by the Ministry of Foreign Affairs, subject to the hypothesis of denial of a residence permit based on items I II, III, IV, and IX of the head provision of art. 171.

Art. 126. The refusal to grant and deny a residence permit applies to the procedure for transforming visas into a residence permit.

Art. 127. Requests for residence permits shall be addressed to the Ministry of Justice and Public Security, except for the cases provided for in Paragraph 1.

Paragraph 1. Subject to the provisions of art. 142, the requests for residence permits shall be addressed to the Ministry of Labor when based on the following hypothesis:

I - in research, education, or academic extension;

II - in work or job offer;

III - in making investments;

IV - in conducting activity of economic, social, scientific, technological, or cultural relevance;

V - in the practice of religious activity; and

VI - in voluntary service.

Paragraph 2. The requests for residence permits shall be preferably submitted by electronic means.

Art. 128. The request for a residence permit is personal.

Sole paragraph: In the event of an incapable person, the request shall be made by a representative or legal assistant.

Art. 129. To instruct the request for a residence permit, the immigrant must present, without prejudice to other documents required in an act of the Minister of State competent to receive the request:

I – request that the identification, filiation, date, and place of birth, and address and other means of contact be included;

II – a valid travel document or other document proving his/her identity and nationality, under the terms of the treaties to which the country is a party;

III - a document proving his/her filiation, duly legalized and translated by a sworn public translator, except if the information is already in the document referred to in item II;

IV - proof of payment of migration fees, when applicable;

V - criminal record certificates or equivalent document issued by the competent judicial authority where he/she has resided in the last five years; and

VI - declaration, under the penalties of the law, of the absence of a criminal record in any country, in the five years, preceding the date of the request for a residence permit.

Paragraph 1. To investigate the request for a new residence permit or renew the term of the residence permit, the document referred to in item II of the head provision or a document issued by a Brazilian public agency that proves the immigrant's identity may be presented, even if it has expired.

Paragraph 2. The legalization and translation referred to in item III of the head provision may be waived if so provided for in treaties to which the country is a party.

Paragraph 3. The processing of a residence permit request shall be conditioned to the payment of fines applied based on the provisions of this Decree.

130. A new temporary residence permit may be granted through a request.

Paragraph 1. The request for a new residence permit with legal protection different from the previous residence permit shall imply the waiver of the previous migratory condition.

Paragraph 2. After the expiry of the previous permit, the request for a new residence permit shall imply the request of the sanction provided for in item II of the head provision of art. 307.

Subsection I

Rates

Art. 131. The following rates shall be charged, in accordance with the annexed table:

I - for processing and evaluating the residence permit requests;

II - for issuing an immigrant's identity card that shall contain the term of residence authorization and the number of the National Migration Registry; and

III - for transforming visiting, diplomatic, official, and courtesy visas into residence permits.

Paragraph 1. The collection of the rates provided for in this article shall comply with the provisions of international agreements to which the country is a party.

Paragraph 2. The rate provided for in item I of the head provision shall not be charged to the immigrant holding a temporary visa provided his/her residence has the same purpose as the visa already granted.

Paragraph 3. The renewal of the term of residence permits shall not give rise to collecting the rate provided for in item I of the head provision.

Paragraph 4. The values of the rates covered by the head provision may be adjusted by the Federal Government's competent body to preserve the national interest or to ensure reciprocity of treatment.

Subsection II

Negative concession, denial, loss, and cancellation of the residence permit

Art. 132. The residence permit shall not be granted to the person criminally convicted in the country or abroad by a final and unappealable sentence, provided the conduct is typified in Brazilian criminal law, except in the cases where:

I - the conduct characterizes an infraction with less offensive potential;

II - five years has elapsed after the end of the sentence;

III - the crime to which the immigrant has been sentenced abroad is not subject to extradition or the punishment under Brazilian law is extinct; or

IV - the request for a residence permit is based on:

a) health treatment;

b) humanitarian reception;

c) family reunion;

d) treaty on the residence and free movement; or

e) serving time in the country.

Sole paragraph. The terms established in the head provision shall not prevent the progression of the sentence enforcement regime, under the terms established in Law nº 7,210 of July 11th, 1984 – Law of Criminal Enforcement, in which case the person shall be authorized to work when required by the new sentence enforcement regime.

Art. 133. The residence permit may be denied to the person:

I - previously expelled from the country, while the effects of the expulsion are in force;

II - under the terms defined by the Rome Statute of the International Criminal Court, 1998, enacted by Decree nº 4,388 of 2002, condemned or responding to proceedings for:

a) a crime of genocide;

b) a crime against humanity;

c) a war crime; or

d) a crime of aggression;

III - convicted or responding to a lawsuit in another country for a felony subject to extradition under Brazilian law;

IV - whose name is included in a list of restrictions by court order or by a commitment assumed by the country before an international organization; and

V - who has performed an act contrary to the principles or objectives set out in the Brazilian Constitution.

Art. 134. An appeal may be made against a decision that denies the residence permit within ten days counting from the date of the immigrant's knowledge, ensuring the principles of the adversary and broad defense, as well as the provisions of Law nº 9,784 of January 29th, 1999, alternatively.

Art. 135. The loss of the residence permit shall be decreed in the following cases:

I - cessation of the basis for the residence permit;

II - obtaining a residence permit based on another hypothesis; and

III - absence from the country for more than two years without justification.

Paragraph 1. The immigrant must notify the Federal Police whenever he ceases to have the conditions that supported the granting of his residence permit during its term.

Paragraph 2. The provision in item I of the head provision does not prevent the immigrant from requesting a residence permit based on another hypothesis.

Art. 136. The residence permit shall be canceled, at any time, in the following cases:

I - fraud;

II - concealment of an impediment to granting a visa, entry, or authorization to reside in the country;

III - when the information regarding the sentence provided for in items II and III of the head provision of art. 133 is known after the residence permit is granted; or

IV - it was found that the applicant's name was on the list referred to in item IV of the head provision of art. 133 on the date of granting the residence permit.

Art. 137. The decree of loss and the cancellation of the residence permit shall be preceded by an administrative procedure in which the adversarial procedure and full defense shall be observed.

Art. 138. The procedures for decreeing the loss and cancellation of the residence permit shall be instituted by an act of the Minister of State for Justice and Public Security or Labor, as the case may be, and instructed, immediately, with the term of notification of the immigrant.

Paragraph 1. The act referred to in the head provision shall contain a report of the reason for the decree of the loss or cancellation of the residence permit and its legal basis and shall determine that the immigrant is notified immediately, preferably, by electronic means.

Paragraph 2. In the event of loss or cancellation of the residence permit for work purposes, the employer may be notified, subject to the provisions of Paragraph 1.

Paragraph 3. If the immigrant is not found, the Federal Government shall advertise the establishment of the administrative procedure for decreeing the loss or cancellation of the residence permit on an electronic website, and such publication shall be considered as notification for all acts of the referred procedure.

Paragraph 4. The immigrant shall have ten days to present a defense in the administrative procedure.

Paragraph 5. An immigrant who, regularly notified, does not present a defense within the period referred to in Paragraph 4 shall be considered default.

Paragraph 6. By his/her own means or by legal representation, the immigrant may present defense within the period established in Paragraph 4 and make use of the means and resources admitted by law, including translator or interpreter.

Art. 139. The decision regarding the decree of the loss or cancellation of the residence permit shall be the responsibility of the agency that granted it.

Paragraph 1. The immigrant shall have ten days to appeal against the decision referred to in the head provision.

Paragraph 2. After the administrative procedure is closed and the loss or permanent cancellation of the residence permit is decreed, the immigrant shall be notified under the terms established in art. 176.

Art. 140. The documents and evidence used in procedures for decreeing the loss or cancellation of the residence permit may be used in the administrative procedure referred to in art. 177.

Art. 141. A joint act of the Ministers of State for Justice and Public Security and Labor shall provide for administrative procedures regarding the cancellation and loss of a residence permit and the appeal against the negative concession of a residence permit.

Section II

Hypotheses of residence permit

Art. 142. The request for a residence permit may be based on the following hypotheses:

I – when the purpose of the residence is:

a) research, education, or academic extension;

b) health treatment;

c) humanitarian reception;

d) study;

e) work;

f) vacation-work;

g) practice of religious activity;

h) voluntary service;

i) investing;

j) conducting an activity with economic, social, scientific, technological, or cultural relevance; or

k) family reunion;

II – when the person:

a) is a beneficiary of a treaty on the residence and free movement;

b) has a proven job offer;

c) has already had Brazilian nationality and does not wish to or does not meet the requirements to regain it;

d) is a beneficiary of refuge, asylum, or protection for the stateless person;

e) has not reached the civil majority, is a national of another country or stateless person, is unaccompanied or abandoned, is on the Brazilian borders or in the national territory;

f) has been a victim of human trafficking, slave labor, or violation of rights aggravated by his/her migratory condition;

g) is on a provisional release or serving a sentence in the country; or

h) has previously benefited with a residence permit, subject to the provisions of art. 160; or

III – when the immigrant meets the interests of the national migration policy.

Paragraph 1. The residence permit may be granted to the immigrant based only on one of the cases provided for in the head provision.

Paragraph 2. The residence permit based on the hypotheses listed in subitems “a”, “c”, “e”, “g”, “h”, and “j” of item I of the head provision and subitem “b” of item II of the head provision may initially be granted for up to two years.

Paragraph 3. After the term of residence provided for in Paragraph 1 has elapsed, the body that granted the initial residence permit may, through a request by the immigrant, renew the initial term of residence for up to two years or change the term of residence to an indefinite period.

Paragraph 4. When the immigrant's contract with the research, education, or academic extension institution is for an indefinite period, the residence permit may, exceptionally, be granted for an indefinite period.

Paragraph 5. The residence permit to exercise a position, function or assignment shall be granted for an indefinite period when Brazilian law requires it.

Art. 143. The residence permit for research, education, or academic extension may be granted to immigrants with or without an employment relationship with Brazilian research or educational institution, requiring, in the event of a relationship, proof of compatible higher education or equivalent scientific recognition.

Paragraph 1. The residence permit for research, education, or academic extension with an employment relationship in the country shall be granted to the immigrant who proves a job offer, characterized by a work or service contract signed with a Brazilian research or education institution.

Paragraph 2. The residence permit for research, education, or academic extension without an employment relationship in the country shall be granted to the immigrant holding a scholarship or assistance in one of the modalities provided for in the head provision when the term of the scholarship exceeds ninety days.

Paragraph 3. The immigrant who has an institutional link exclusively abroad and intends to conduct research, education, or academic extension activities subsidized by a foreign research or education institution fits the hypothesis provided for in Paragraph 2, provided the activity is conducted in partnership with a Brazilian institution.

Paragraph 4. The immigrant who is in the country under the protection of the residence permit referred to in the head provision, without employment in the country, for a period exceeding ninety days, may exercise remunerated activity in the country, provided it is related to the area of research, education, or academic extension.

Paragraph 5. The request for a residence permit based on research, education, or academic extension must respect the requirements, conditions, terms, and procedures provided for in a resolution of the National Immigration Council.

Art. 144. The residence permit for health treatment purposes may be granted to the immigrant and his/her partner, provided the immigrant proves that he/she has sufficient means of subsistence.

Paragraph 1. The residence permit may be exceptionally granted to more than one companion, even if the family reunion requirements are not met, provided the medical need is proven.

Paragraph 2. Based on the hypothesis listed in this article, the residence permit may be initially granted for up to one year.

Paragraph 3. The immigrant may request to renew the term of the residence permit until the health care is completed.

Paragraph 4. The residence permit for health treatment, without prejudice to the right to health of immigrants established in the country, shall be subject to proof of sufficient means of subsistence to cover their treatment and the maintain the immigrant and his/her partner during the period in which the treatment is conducted, by own resource, health insurance valid in the national territory, or health service provision certificate provided for in a treaty to which the country is a party.

Paragraph 5. The holders of the residence permit referred to in the head provision shall not be entitled to exercise remunerated activity in the country.

Paragraph 6. The request for a residence permit for health treatment purposes must comply with the requirements established in a joint act of the Minister of State for Justice and Public Security and Foreign Affairs.

Art. 145. The residence permit for humanitarian reception purposes may be granted to the stateless person or the national of any country in a situation of:

I - serious or imminent institutional instability;

II - armed conflict;

III – large-proportion calamity;

IV - environmental disaster; or

V - serious violation of human rights or international humanitarian law.

Paragraph 1. A joint act of the Ministers of State for Justice and Public Security, Foreign Affairs, and Labor shall establish the requirements for granting a residence permit based on humanitarian reception, the renewal of the term of residence, and its amendment for an indefinite period.

Paragraph 2. The possibility of free exercise of labor activity shall be acknowledged to the immigrant who has been granted the residence permit referred to in the head provision, under the terms of the current legislation.

Art. 146. The residence permit for study purposes may be granted to immigrants wishing to attend a regular program or undertake an internship or exchange of study or research.

Paragraph 1. The residence permit for study purposes shall enable the immigrant to conduct the activities provided for in the head provision linked to the defined educational institution.

Paragraph 2. Based on the hypothesis listed in this article, the residence permit may be initially granted for up to one year.

Paragraph 3. In the event provided for in this article, the immigrant may request a renewal until the course is completed, provided he/she presents proof of enrollment and academic achievement and means of subsistence, without prejudice to other documents required by the Ministry of Justice and Public Security.

Paragraph 4. The change of program and educational establishment shall be authorized, provided that the Federal Police is notified to update the registration.

Paragraph 5. The educational institution from which the immigrant has resigned must report the fact to the Federal Police within thirty days, counting from the date of resignation.

Paragraph 6. The exercise of remunerated activity shall be allowed to the immigrant who has been granted the residence permit referred to in the head provision, provided it is compatible with the study load, under the terms of the current legislation.

Paragraph 7. The request for a residence permit for study purposes must respect the requirements established in a joint act of the Ministers of State for Justice and Public Security and Foreign Affairs.

Art. 147. The residence permit for work purposes may be granted to immigrants who work, with or without employment in the country.

Paragraph 1. The residence permit for work with an employment relationship shall be granted through proof of job offer in the country, subject to the following:

I - the job offer is characterized by an individual employment contract or a service provision contract; and

II - immigrant seafarers onboard a Brazilian flag vessel must have an individual employment contract in the country.

Paragraph 2. The residence permit for work without employment shall be granted through proof of job offer in the country when regarding the following activities:

I - provision of service or technical assistance to the Brazilian Government;

II - provision of services due to an international cooperation agreement;

III - provision of technical assistance or technology transfer services;

IV - representation in the country of a financial or similar institution headquartered abroad;

V - representation of a non-profit legal entity under private law;

VI - receiving professional training from a Brazilian subsidiary, branch, or parent company;

VII - performance as seafarer: (Wording given by Decree nº 9,500 of 2018)

a) aboard a foreign vessel on a long-haul trip or sea or river cruises along the Brazilian coast and when the stay exceeds one hundred and eighty days for each migratory year; and (Included by Decree nº 9,500, 2018)

b) onboard other vessels or platforms not mentioned in subitem "a" and the stay exceeds ninety days for each migratory year; (Included by Decree nº 9,500, 2018)

VIII - professional internship or professional exchange;

IX - exercise of position, function, or assignment that requires residency for an indefinite period, due to Brazilian law;

X - conduct activity as a correspondent for a newspaper, magazine, radio, television, or foreign news agency; and

XI - auditing or consulting with a stay exceeding ninety days.

Paragraph 3. For the application of item VII of Paragraph 2, foreign vessels or platforms are considered, among others, those used in the navigation of maritime support, exploration or prospecting, coastal navigation, geophysical survey, dredges, and fishing vessels.

Paragraph 4. The offer of employment referred to in the head provision shall be waived, considering the proof of qualification in a higher education program or equivalent, in the event of strategic professional capabilities for the country, as provided for in a joint act of the Ministers of State of Justice and Public Security, Foreign Affairs, and Labor, in consultation with the National Immigration Council.

Paragraph 5. A joint act of the Ministers of State for Justice and Public Security, Foreign Affairs, and Labor, in consultation with the National Council of Immigration, shall establish simplified conditions for the residence permit for work to attract labor in strategic areas for national development or with a deficit of professional qualification for the country.

Paragraph 6. The possibility of modifying the location of conducting the work activity, in the same company or the same economic group, shall be acknowledged to the immigrant who has been granted a residence permit for work purposes through a communication to the Ministry of Labor.

Paragraph 7. The immigrant must request authorization from the Ministry of Labor if he/she intends to work with an employer other than the one who initially hired him/her, during his/her residency for a specific time, through a reasoned request and instructed with the new employment contract signed.

Paragraph 8. After deciding on the change of employer mentioned in Paragraph 7, the Ministry of Labor shall notify the Federal Police for updating the registration.

Paragraph 9. The request for a residence permit based on work must respect the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Art. 148. The residence permit for vacation-work may be granted to immigrants over sixteen years of age who are nationals of a country that grants benefits identical to those to Brazilians, in terms defined by the Ministry of Foreign Affairs through diplomatic communication.

Sole paragraph. The residence permit based on this article's provisions may only be granted to the holder of a temporary vacation-work visa.

149. Residence permits for religious activities may be granted to:

I - ministers of religious confession;

II - members of an institute of consecrated or confessional life; or

III - members of a religious order.

Paragraph 1. The application for a residence permit for the practice of religious activities must respect the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Paragraph 2. The request to renew the term of the residence permit or change it to an indefinite term, subject to the conditions established in this article, shall be accompanied by proof of the practice of religious activities by those referred to in the head provision.

Art. 150. The residence permit for the provision of voluntary service with a public or private non-profit entity, or an organization linked to a foreign Government, may be granted provided there is no employment or remuneration of any kind.

Paragraph 1. The application for a residence permit to provide voluntary service must respect the requirements, conditions, terms, and procedures established in a resolution of the National Immigration Council.

Paragraph 2. The request to renew the term of the residence permit or change it to an indefinite term based on the hypothesis provided for in this article must be accompanied by proof of continuity in voluntary service provision.

Art. 151. The residence permit for investment purposes may be granted to an individual immigrant who wishes to invest or already invests, with its resources of external origin, in legal entities in the country or a project with the potential to generate jobs or income in the country.

Paragraph 1. Investments in legal entities in the country are understood as:

I - an investment of external origin in a Brazilian company, according to the regulations of the Central Bank of Brazil;

II - a creation of a general partnership or company; and

III - other hypotheses foreseen in the policies for attracting foreign investments.

Paragraph 2. The authorization provided for in the head provision may be granted to the immigrant administrator, manager, director, or executive with management powers, who comes or is in the country to represent a civil or commercial association, group, or economic conglomerate that conducts foreign investment in a company established in the national territory, with the potential to generate jobs or income in the country.

Paragraph 3. The concession referred to in Paragraph 2 shall be conditioned to the exercise of the function assigned in the contract or minutes duly registered with the competent body.

Paragraph 4. The application for a residence permit for investment purposes must comply with the requirements set out in a resolution of the National Immigration Council.

Paragraph 5. The residence permit based on the circumstances listed in this article may be granted for an indefinite period.

Paragraph 6. In the event provided for in the head provision, the loss of the residence permit may be decreed in compliance with the provisions of item I of the head provision of art. 135, if the immigrant has not executed the investment plan that justified his/her permit.

Art. 152. The residence permit to conduct activity of economic, social, scientific, technological, or cultural relevance shall respect the requirements, conditions, terms, and procedures established in a joint act of the Ministers of State for Justice and Security Public Affairs, Foreign Affairs, and Labor, in consultation with the National Immigration Council.

Art. 153. The residence permit for family reunion purposes shall be granted to the immigrant:

I - spouse or partner, with no discrimination, under the terms of the Brazilian legal system;

II - the son of a Brazilian or an immigrant beneficiary of a residence permit;

III - who has a Brazilian child;

IV - who has an immigrant child who is beneficiary of a residence permit;

V - ancestor to the second degree of Brazilian or immigrant beneficiary of residence permit;

VI - descendant to the second degree of Brazilian or immigrant beneficiary of residence permit;

VII - brother/sister of a Brazilian or immigrant beneficiary of a residence permit; or

VIII - who has a Brazilian under their tutelage, guardianship, or custody.

Paragraph 1. The request for a residence permit for family reunion purposes must respect the requirements set out in a joint act of the Ministers of State for Justice and Public Security and Foreign Affairs.

Paragraph 2. The residence permit for family reunion shall not be granted if the caller is the beneficiary of residence permit for a family reunion or provisional residence permit.

Paragraph 3. In the event provided for in item VII of the head provision, the residence permit for a brother/sister over eighteen years of age shall be subject to proof of his/her economic dependence on the calling family member.

Paragraph 4. When the residence permit of the calling family member has been granted for an indefinite period, the called family member's residence permit shall also be granted for an indefinite period.

Paragraph 5. When the application is based on a reunion with an immigrant who has been granted residence for a specified period, the expiration date of the residence permit of the called family member shall coincide with the expiration date of the residence permit of the calling family member.

Paragraph 6. An act of the Minister of State for Justice and Public Security may provide for the need for in-person interviews and presentation of additional documentation to prove, when necessary, the family bond.

Paragraph 7. A joint act of the Ministers of State for Justice and Public Security and Foreign Affairs may establish other kinship hypotheses to grant the residence permit referred to in the head provision.

Paragraph 8. A residence permit for family reunion may be granted concurrently with the request for a residence permit for the calling family member.

Paragraph 9. The granting of a residence permit for a family reunion shall be subject to the prior granting of a residence permit to the calling family member.

Paragraph 10. The beneficiary of the residence permit for family reunion may exercise any activity in the country, including remuneration, under equal conditions with the Brazilian national, under the terms of the current legislation.

Art. 154. The residence permit may be granted to the person benefited by a treaty in matters of residence and free movement.

Sole paragraph. When granting a residence permit mentioned in the head provision, the provisions of the bilateral or multilateral treaty that regulate the matter and, alternatively, the provisions of this Decree shall be observed, as applicable.

Art. 155. The residence permit may be granted to the person who has previously had a Brazilian nationality and does not wish or does not meet the requirements to regain it.

Paragraph 1. The application for a residence permit based on this article's provisions must comply with the requirements set out in an act of the Minister of State for Justice and Public Security.

Paragraph 2. The residence permit based on the provisions of this article may be granted for an indefinite period.

Art. 156. The residence permit may be granted to the beneficiary of:

I - protection of stateless persons;

II - political asylum; or

III - refuge.

Paragraph 1. The refugee's residence permit shall comply with the provisions of art. 28 of Law nº 9,474 of 1997.

Paragraph 2. The refugee, political asylum, and stateless person's residence permit shall be granted for an indefinite period.

Paragraph 3. The applicant for refuge, political asylum, or protection of the stateless person shall be entitled to the provisional residence permit until a final decision regarding his/her request.

Paragraph 4. The provisional residence permit provided for in Paragraph 3 shall be demonstrated through a protocol requesting the acknowledgment of the status of refugee, political asylum seeker, or stateless person.

Paragraph 5. The refugee, political asylum seeker, or stateless person beneficiary of the residence permit or provisional residence permit referred to in Paragraph 3 may exercise any activity in the country, including those remunerated, under the same conditions as the Brazilian national, according to the legislation in force.

Paragraph 6. The residence permit granted to the person whose condition as a refugee, asylum seeker, or stateless person has ceased shall remain valid for ninety days.

Paragraph 7. The provisions of Paragraph 6 do not apply to the following hypotheses:

I - loss of protection to the stateless person;

II - revocation of political asylum; and

III - loss of refugee status.

Paragraph 8. The cessation of protection for the stateless person or the condition of refugee or political asylum shall not prevent the request for a new residence permit, subject to the provisions of art. 142.

Paragraph 9. The request for a residence permit based on this article's provisions must respect the requirements set out in an act of the Minister of State for Justice and Public Security, in consultation with the other Ministries concerned.

Art. 157. The residence permit may be granted to a child or adolescent who is a national of another country or a stateless person, unaccompanied or abandoned, who is at a migratory control point on the Brazilian borders or in the national territory.

Paragraph 1. The decision regarding the request for a residence permit based on the provision in the head provision and the possibility of returning to family life should consider the child or adolescent's best interest.

Paragraph 2. The Public Defender's Office may request the residence permit provided for in this article.

Paragraph 3. The term of the residence permit shall remain in effect until the immigrant reaches the age of civil majority, reached at the age of eighteen, in compliance with the provisions of art. 5 of Law nº 10,406 of January 10th, 2002 – Civil Code.

Paragraph 4. If the immigrant reaches the age of civil majority and is interested in remaining in the country, he/she must attend the Federal Police unit within one hundred and eighty days to formalize the request to change the residence term to indefinite.

Paragraph 5. The request for a residence permit based on this article's provisions must respect the requirements outlined in an act of the Minister of State for Justice and Public Security, after consulting the other interested Ministries.

Art. 158. The residence permit may be granted to the victim of:

I - human trafficking;

II - slave labor; or

III - a violation of rights aggravated by his/her migratory condition.

Paragraph 1. The residence permit based on the provisions of this article shall be granted for an indefinite period.

Paragraph 2. The request foreseen in this article may be sent directly to the Ministry of Justice and Public Security by the Public Prosecutor's Office, by the Public Defender's Office, or by the Labor Auditor, in the form established in a joint act of the Ministers of State of Justice and Public Security and Labor, after consulting the other interested Ministries, which shall provide for other public authorities that may acknowledge the immigrant's situation as a victim, under the terms established in the head provision.

Paragraph 3. The public authority that represents the migratory regularization of the victims referred to in the head provision must instruct the representation with documentation that allows the immigrant's identification and location.

Paragraph 4. The beneficiary of the residence permit granted to the victim referred to in the head provision must submit to the request made by the public authority.

Art. 159. The residence permit may be granted to a person who is on a provisional release or serving a sentence in the country.

Paragraph 1. The term of residence for the immigrant on provisional release shall be up to one year, renewable through the presentation of a certificate issued by the Judiciary that provides for the procedure's progress.

Paragraph 2. In the event of a sentenced immigrant, the term of residence shall be linked to the sentence period to be served, informed by the court responsible for criminal execution.

Paragraph 3. The instruction of the request for the residence permit based on the provisions of this article must present, in addition to the documents referred to in art. 129, the judicial ruling granting provisional liberty or a certificate issued by the court responsible for the criminal execution, which contains the period of sentence to be served, as the case may be.

Paragraph 4. In the absence of the document referred to in item II of the head provision of art. 129, an official letter issued by the responsible court must be presented, stating the immigrant's complete qualification.

Art. 160. The granting of a new residence permit for immigrants may be provided, in compliance with the provisions of subitem “h” of item II of the head provision of art. 142, to the immigrant who has previously benefited from a residence permit, based on a family reunion, having fulfilled the following requirements:

I - have resided in the country for at least four years;

II - prove means of subsistence; and

III - present a negative criminal record certificate.

Paragraph 1. The new residence permit based on the provisions of this article shall be granted for an indefinite period.

Paragraph 2. This article's provisions do not apply to cases in which the requirement for recognition of the previous condition has ceased to be met due to fraud.

Art. 161. The residence permit may be granted for purposes of meeting the interests of the national migration policy.

Sole paragraph. A joint act of the Ministers of State for Justice and Public Security, Foreign Affairs, and Labor shall provide for the hypotheses, requirements, and terms of the residence permit for purposes of meeting the interests of national migration policy.

162. The National Immigration Council shall regulate special cases for granting a residence permit associated with labor issues.

~~163. The Ministry of Justice and Public Security shall regulate special cases for granting a residence permit not expressly provided for in this Decree.~~ (Repealed by Decree nº 9,873 of 2019)

CHAPTER IX

ENTRY AND EXIT FROM THE NATIONAL TERRITORY

Section I

Maritime, airport, and border supervision

Art. 164. Entry into the country is allowed to the immigrant identified by a valid travel document which does not fit into any of the entry impediments provided for in this Decree and who is:

I - holder of a valid visa;

II - holder of a residence permit; or

III – of nationality beneficiary of a treaty or diplomatic communication that gives rise to the waiver of a visa.

Paragraph 1. An act of the Minister of State for Health shall provide for the necessary sanitary measures to enter the country, when applicable.

Paragraph 2. The supervisory authorities shall contribute to sanitary measures in accordance with the International Health Regulations and other relevant provisions.

Art. 165. The functions of the maritime, airport and border police shall be performed by the Federal Police at the points of entry and exit of the national territory, without prejudice to other inspections, within the limits of its attributions, performed by the Federal Revenue Secretariat of Brazil of the Ministry of Finance and, when applicable, by the Ministry of Health.

Sole paragraph. The immigrant must remain in an inspection area until his/her travel document has been verified, except in cases provided for by law.

Art. 166. When the entry into the national territory occurs by air, the inspection shall be conducted at the airport of destination or if the international flight becomes a domestic flight, wherever the entry occurs.

Sole paragraph. When the departure from the national territory occurs by air, the inspection shall be conducted at the international airport of embarkation or if a domestic flight becomes an international flight, wherever the embarkation occurs.

Art. 167. In the event of entry or exit by land, the inspection shall occur at the designated location.

Art. 168. At the maritime, fluvial and lake, migration inspection points, the migration control shall be conducted onboard:

I - at the port of entry of the vessel into the national territory; and

II - at the port of departure of the vessel from national territory.

Paragraph 1. The migratory control provided for in the head provision may be conducted at a port terminal whenever this structure proves to be more appropriate.

Paragraph 2. The migratory control of tourist ships may be conducted in national territorial waters, as established by the Federal Police.

Art. 169. The right of innocent passage in the Brazilian territorial sea shall be recognized to ships of all nationalities, observing the provisions of art. 3 of Law nº 8,617 of January 4th, 1993.

Paragraph 1. The passage shall be considered innocent provided it is not harmful to the peace, good order, or security of the country and must be continuous and fast.

Paragraph 2. The innocent passage may include stopping and anchoring, provided such procedures constitute common navigation incidents, are imposed for reasons of *force majeure* or serious difficulty or are intended to assist people or ships in distress or severe difficulty.

Paragraph 3. The inspection of passengers, crew, and ships in innocent passage shall not be conducted except in the cases provided for in Paragraph 2 when there is a need for people to go ashore or board the ship.

Art. 170. In the entry inspection, the following may be required:

I - proof of means of transport leaving the national territory;

II - proof of means of subsistence compatible with the term and the purpose of the intended trip; and

III - documentation attesting to the nature of the activities to be conducted in the country, as defined in specific acts.

Sole paragraph. Additional documents may be required to confirm the purpose of the trip.

Section II

Impediment of entry

Art. 171. After an individual interview and upon a reasoned act, entry into the country may be prevented to the person:

I - previously expelled from the country, while the effects of the expulsion are in force;

II - under the terms defined by the Rome Statute of the International Criminal Court, 1998, enacted by Decree nº 4,388 of 2002, condemned or responding to proceedings for:

a) an act of terrorism or crime of genocide;

b) a crime against humanity;

c) a war crime; or

d) a crime of aggression;

III - convicted or responding to proceedings in another country for a felony subject to extradition under Brazilian law;

IV - whose name is included in a list of restrictions by court order or by a commitment assumed by the country before an international organization;

V – who presents a travel document that:

a) is not valid in the national territory;

b) has expired; or

c) presents erasure or indication of falsification;

VI - who does not present a travel document or, when admitted, an identity document;

VII - whose reason for the trip is not consistent with the visa or with the alleged reason for the visa exemption or who does not have a valid visa, when required;

VIII - who has proven to have defrauded documentation or provided false information when applying for a visa;

IX - who has conducted an act contrary to the principles and objectives set out in the Brazilian Constitution;

X - who has been denied a visa, provided the conditions that gave rise to the denial remain;

XI - who does not have a term of stay available in the current migratory year as a visitor;

XII - who has been benefited with a measure of the transfer of a convicted person applied jointly with an impediment of reentry in the national territory, observing the provision in Paragraph 2 of art. 103 of Law nº 13,445 of 2017, provided he/she is still serving his/her sentence;

XIII - who does not meet the temporary or permanent recommendations for international public health emergencies defined by the International Health Regulations; or

XIV - who does not meet the temporary or permanent recommendations for public health emergencies of national importance defined by the Ministry of Health.

Paragraph 1. The procedure for effecting the impediment of an entry shall be disciplined by an act of the Federal Police's highest officer.

Paragraph 2. In the cases provided for in items XIII and XIV of the head provision, the basis for preventing entry shall be communicated to the Federal Police by the Ministry of Health.

Art. 172. The conditional entry into the national territory of a person who does not fulfill the admission requirements may be authorized by the Federal Police in the impossibility of immediate return of the hindered or illegal immigrant, by signing the term of commitment, by the carrier or by its agent, who shall cover the expenses of the permanence and measures necessary for the repatriation of the immigrant.

Sole paragraph. In the event of conditional entry provided for in the head provision, the Federal Police shall set the term of stay, the conditions to be observed, and the location where the impeded or illegal immigrant shall remain.

Art. 173. The disembarkation of a seafarer on a ship on a long-haul trip with a seafarer's license issued by a country not a signatory to the International Labor Organization Convention on the matter shall not be allowed, in which case he must remain onboard.

Art. 174. The exceptional admission to the country may be authorized to the person who fits one of the following hypotheses, provided he/she has a valid travel document:

I – who does not have a visa or is a holder of an expired visa;

II – who is a holder of a visa issued with an error or omission;

III - who has lost his/her resident status for remaining absent from the country for more than two years and has objective conditions for granting a new residence permit;

IV – who is a child or adolescent unaccompanied by the legal guardian and without the express authorization to travel unaccompanied, regardless of the travel document he/she carries, in which case there shall be a referral to the Guardianship Council or, if necessary, the institution indicated by the competent authority;

V – in other emergencies, fortuitous event or *force majeure*.

Paragraph 1. In the cases provided for in items I, II, and V of the head provision, the term for exceptional admission shall be up to eight days.

Paragraph 2. In the cases provided for in items III and IV of the head provision, the term for exceptional admission shall be up to thirty days.

Paragraph 3. An exceptional admission may be requested by the Ministry of Foreign Affairs, by a diplomatic representation of the person's country of nationality or by a Government body, through a request addressed to the head of the immigration inspection unit, as provided for in the act of the top manager of Federal Police.

Art. 175. The crewmember or the passenger who, due to *force majeure*, is obliged to interrupt the trip in the national territory may have their disembarkation permitted through a term of responsibility for the expenses resulting from the transshipment.

CHAPTER X

REGULARIZATION OF THE MIGRATORY SITUATION

176. The immigrant who is in an irregular migratory situation shall be personally notified so that, within sixty days counted from the notification date, he/she can regularize his/her migratory situation or leave the country voluntarily.

Paragraph 1. The migratory irregularity may occur due to:

I - irregular entry;

II - irregular stay; or

III - the cancellation of the residence permit.

Paragraph 2. An act of the Federal Police's top officer shall provide for the personal notification by electronic means, publication by notice on its website, and the other procedures regarded in this Chapter.

Paragraph 3. The irregularities verified in the migratory situation shall expressly appear in the notification referred to in the head provision.

Paragraph 4. The term established in the head provision shall be extendable for up to sixty days, provided the notified immigrant appears at the Federal Police unit to justify the need for the extension and sign a term of commitment to maintain his/her personal information and address updated.

Paragraph 5. The notification referred to in the head provision shall not prevent the free movement within the national territory, in which case the immigrant must inform the Federal Police of his/her place of residence and the activities he/she performs in the country and abroad.

Paragraph 6. If the immigrant notified under the terms established in this article does not regularize his/her migratory situation and appear at the inspection point to leave the country after the term established in the head provision has ended, the term shall be drawn up, and the exit from national territory shall be registered as deportation.

Paragraph 7. The notification shall be waived when the irregularity is found when the immigrant leaves the national territory, and the term shall be drawn up, and the exit from the national territory shall be registered as deportation, without prejudice to the application of a fine, under the terms established in item II of the head provision of art. 307.

Paragraph 8. The period for migratory regularization referred to in the head provision shall be deducted from the stay period of the visit visa established in art. 20.

Art. 177. The administrative procedure for regularizing the migratory situation shall be instructed with:

I - proof of notification of the immigrant to regularize his/her migratory condition or leave the country voluntarily; and

II - the manifestation of the interested party, when presented.

CHAPTER XI

MEASURES FOR COMPULSORY REMOVAL

Section I

General provisions

178. The following are measures for compulsory removal:

I - repatriation;

II - deportation; and

III - expulsion.

179. Repatriation, deportation, and expulsion shall be made to the country of nationality or origin of the migrant or visitor, or to another country that accepts him/her, in compliance with the treaties to which the country is a party.

Art. 180. Repatriation, deportation, or expulsion of any individual shall not proceed when there are reasons to believe that the measure may jeopardize his/her life, personal integrity, or freedom due to ethnicity, religion, nationality, social group, or political opinion.

Art. 181. The beneficiary of protection to statelessness, refuge, or political asylum shall not be repatriated, deported, or expelled, provided there is a recognition procedure of his/her pending condition in the country.

Sole paragraph. In the deportation of the stateless person, the measure of compulsory removal can only be applied after authorization from the Ministry of Justice and Public Security.

Art. 182. The deportation procedure shall depend on the prior authorization from the Judiciary in the case of migrants serving sentences or who answer criminally in freedom.

Art. 183. The measures for compulsory removal shall not be made collectively.

Paragraph 1. Collective repatriation, deportation, or expulsion are understood as measures that do not individualize each migrant's irregular migratory situation.

Paragraph 2. The individualization of repatriation measures shall take place through a term that shall include:

I - the personal data of the repatriate;

II - the reasons for the impediment that caused the measure; and

III - the participation of an interpreter when necessary.

Paragraph 3. The deportation and expulsion measures' individualization shall take place through an administrative procedure established under the terms established in art. 188 and art. 195.

184. An immigrant or visitor who has not reached the age of civil majority, unaccompanied or separated from his family, shall not be repatriated or deported, except if the measure of compulsory removal is proven to be more favorable for ensuring his rights or reintegration into his/her family or community of origin.

Section II

Repatriation

Art. 185. Repatriation is an administrative measure of returning to the country of origin or nationality of the person in an impediment to entry, identified at the time of entry into the national territory.

Paragraph 1. If immediate repatriation is not possible, the immigrant's entry may be allowed, provided he complies with the provisions of Paragraph 2.

Paragraph 2. In the event provided for in Paragraph 1, the carrier or its agent must sign a term of commitment that ensures the cost of the expenses with the stay and arrangements for the repatriation of the immigrant, which shall include his/her term of stay, the conditions, and the location where the immigrant shall stay.

Paragraph 3. The Public Defender's Office shall be notified, preferably by electronic means, when the immigrant who has not reached the age of civil majority is unaccompanied or separated from his/her family and when his/her immediate repatriation is not possible.

Paragraph 4. The absence of a Public Defender's Office manifestation shall not prevent the repatriation measure from being conducted provided prior and duly notified.

Art. 186. According to the treaties to which the country is a party, an act of the top officer of the Federal Police shall establish the necessary administrative procedures for repatriation.

Section III

Deportation

Art. 187. Deportation is a measure resulting from an administrative proceeding that results in the compulsory removal of a person who is in an irregular migratory situation in the national territory.

Sole paragraph. The procedures concerning deportation shall observe the adversary procedures, full defense, and the guarantee of an appeal with suspensive effect.

188. The Federal Police shall initiate the procedure that may lead to deportation.

Paragraph 1. The act referred to in the head provision shall contain a report of the motivating fact of the measure and its legal basis and shall determine:

I – the insertion of the proof of personal deportation notification provided for in art. 176 into the record;

II - notification, preferably by electronic means:

a) of the consular office of the immigrant's country of origin;

b) of the defender appointed by the deportee, if any, to present a technical defense within ten days; and

c) of the Public Defender's Office, in the absence of a constituted defender, to present a technical defense within twenty days.

Paragraph 2. The irregularities verified in the deportation's administrative procedure shall expressly appear in the notifications mentioned in Paragraph 1.

Paragraph 3. Legal assistance shall provide technical defense within the period referred to in Paragraph 1, and, if deemed necessary:

I – a translator or interpreter; and

II - exams or studies.

Paragraph 4. The absence of a manifestation by the Public Defender's Office shall not prevent the deportation measure's execution, provided it is previous and duly notified.

Article 189. An appeal with the suspensive effect of the decision on deportation may be filed within ten days, counted from the deportee's date of notification.

Art. 190. Deportation shall not proceed if the measure constitutes extradition not permitted by Brazilian law.

Art. 191. The act of the Federal Police's top officer shall provide for the administrative procedures necessary for deportation.

Sole paragraph. An act of the Minister of State for Justice and Public Security shall define the hypotheses for reducing the period referred to in Paragraph 6 art. 50 of Law nº 13,445 of 2017.

Section IV

Expulsion

Art. 192. Expulsion is an administrative measure of the compulsory removal from national territory instituted through a Police Expulsion Inquiry, combined with the impediment of re-entry for a specified period of the immigrant or visitor with a final sentence that has the force of *res judicata* for the practice of:

I - under the terms defined by the Rome Statute of the International Criminal Court, 1998, enacted by Decree nº 4,388 of 2002:

a) crime of genocide;

b) crime against humanity;

c) war crime; or

d) crime of aggression; or

II - intentional common crime liable for the deprivation of freedom, considering the severity and possibilities of re-socialization in the national territory.

Art. 193. The Ministry of Justice and Public Security shall not expel those referred to in art. 192 when:

I - the measure constitutes extradition not permitted by Brazilian law;

II – the expellee:

a) has a Brazilian child under his/her custody or economic or socio-affective dependency or has a Brazilian person under their tutelage;

b) has a spouse or partner residing in the country, legally recognized and with no discrimination;

c) entered the country before reaching the age of twelve, provided he/she has resided in the country since then; or

d) is over seventy years of age who has resided in the country for more than ten years, considering the severity and grounds of the expulsion.

Art. 194. While the expulsion procedure is pending, the expellee shall await the decision without changing his/her migratory condition.

Art. 195. The expulsion procedure shall begin with a Police Expulsion Inquiry.

Paragraph 1. The Expulsion Police Inquiry shall begin by the Federal Police, either by letter or as determined by the Minister of State for Justice and Public Security, a requisition or request based on a

sentence, and shall aim to produce a final report on the pertinence or lack thereof for the expulsion measure, raising subsidies for the decision, proffered by the Minister of State for Justice and Public Security, on:

I - the existence of a condition of non-expulsion;

II - the existence of re-socialization measures, if a sentence is executed; and

III - the seriousness of the criminal offense committed.

Paragraph 2. The establishment of the Police Expulsion Inquiry shall be motivated:

I - in the event provided for in item I of the head provision of art. 192, for receiving a final sentence issued by the International Criminal Court, at any time, through diplomatic channels; or

II - in the event provided for in item II of the head provision of art. 192, for the existence of a sentence.

Paragraph 3. The procedures concerning expulsion shall observe the adversary procedures and full defense.

Paragraph 4. The act referred to in the head provision shall contain a report of the reason for the expulsion and its legal basis and shall determine that notification be made immediately, preferably by electronic means:

I – to the expellee;

II – to the consular office of the immigrant's country of origin;

III – to the defender of the expelled person, if any; and

IV – to the Public Defender's Office.

Paragraph 5. The legal assistance shall provide technical defense within the period referred to in art. 196, and, if necessary, a translator or interpreter.

Paragraph 6. The expulsion shall only occur after the final decision of the action that judges the expulsion procedure.

Art. 196. The defender shall have ten days to submit a technical defense in the administrative expulsion procedure and ten days to file a reconsideration request, when applicable.

Sole paragraph. The terms established in the head provision shall be double regarding the Public Defender's Office.

Art. 197. Having begun the expulsion procedure, the expellee shall be notified of its establishment, in addition to the date and time set for his/her interrogation.

Sole paragraph. If the expellee is not found, the Federal Police shall publicize the establishment of the Police Expulsion Inquiry on its website, and such publication shall be considered as notification for all acts of the referred procedure.

Art. 198. In the event of expelling a prisoner outside the Federal Police premises, his/her presence in the police station shall be requested to the court of criminal enforcement, without prejudice to the authorization to conduct the qualification and interrogation in the penitentiary establishment.

Art. 199. The expellee who, regularly notified, does not present him/herself for interrogation shall be considered default, and his/her defense shall be the responsibility of the Public Defender's Office or, in its absence, a dative defender.

Sole paragraph. In the event of default and the expellee is in an uncertain and unknown location, the Federal Police shall provide his/her indirect qualification.

Art. 200. The following documents shall accompany the Police Expulsion Inquiry:

I - the act to which art. 195, Paragraph 1, refers and the documentation that justified its edition;

II - a copy of the condemnatory criminal sentence and the final *res judicata* certificate, if available;

III - the criminal enforcement judgment document that attests whether the expellee is the beneficiary of re-socialization measures in fulfillment of sentences imposed or enforced in the national territory, if there is already enforcement;

IV - the term of personal notification of the expellee or a copy of the notification published on the website of the Federal Police;

V - the terms of notification:

a) of the consular representative of the expellee's country of nationality; and

b) of the defender of the expellee or, in his absence, the Public Defender's Office or dative defender;

VI - the qualification and interrogation record;

VII - the technical defense presented:

a) by the defender of the expellee if any; or

b) by the Public Defender's Office or dative defender;

VIII - the final diligences; and

IX - the final report.

Paragraph 1. The Expulsion Police Inquiry may be instructed with other documents, at the discretion of the authority presiding over it.

Paragraph 2. The document referred to in item VII of the head provision shall be waived when the expellee's defense does not present it, provided the notification terms have been duly presented.

Paragraph 3. The term of commitment signed by the expellee shall be included in the qualification and interrogation report, in which he/she shall ensure to maintain updated his/her personal and home information.

Paragraph 4. During the investigation, arising an impediment for the expulsion, steps to confirm it shall be provided.

Paragraph 5. In the event of denial of the diligences required by the expellee's defense, the authority presiding over the Police Expulsion Inquiry shall prepare a reasoned order.

Art. 201. The right to speak must be given to the expellee and his/her defender in the hearing of witnesses and interrogation before the closure of the Police Expulsion Inquiry.

Art. 202. The final report with the technical recommendation for effecting the expulsion or recognizing the cause of impediment of the compulsory removal measure shall be forwarded for consideration and deliberation by the Minister of State for Justice and Public Security.

Art. 203. Published the act of the Minister of State for Justice and Public Security that provides for the expulsion and the determined period of an impediment for re-entry into the national territory, the expellee may file a reconsideration request within ten days, counted from the date of his/her notification.

Sole paragraph. The act of the Federal Police's highest officer shall provide for the personal notification by electronic means in cases of expulsion.

Art. 204. The term of expiration of the impediment measure linked to the effects of the expulsion shall be proportional to the total term of the penalty applied and no more than twice its time.

Paragraph 1. The term of expiration of the impediment measure, defined in the act referred to in art. 203, shall be counted from the date of departure of the expelled immigrant from the country.

Paragraph 2. The Ministry of Justice and Public Security shall register and inform the Federal Police regarding the period during which the immigrant expelled from the country cannot return.

Paragraph 3. Ended the deadline for the request for reconsideration without the expellee having formalized the request, or in the case of its rejection, the Federal Police shall be authorized to conduct the expulsive act.

Art. 205. The existence of an expulsion procedure shall not prevent the expellee from leaving the country.

Paragraph 1. The voluntary departure of the expellee from the country shall not suspend the expulsion procedure.

Paragraph 2. When it is verified that the expellee with an expulsion already decreed has attended an inspection point to leave the country voluntarily, a term shall be drawn up, and the exit from national territory shall be registered as an expulsion.

Art. 206. The request for suspension of the effects and revocation of the expulsion measure and impediment to re-enter and remain in the national territory must be based on the occurrence of a cause of impediment to expulsion provided for in art. 193, head provision, item II, subitems "a" to "d", when not observed or non-existing during the administrative procedure.

Paragraph 1. The request referred to in the head provision may be submitted to a Brazilian diplomatic representation and shall be sent to the Ministry of Justice and Public Security for evaluation.

Paragraph 2. The effect of the preventive re-entry measure shall not be automatically suspended with the presentation of the request referred to in the head provision, in which case the suspension shall be subject to the decision of the Ministry of Justice and Public Security.

Paragraph 3. The request referred to in the head provision shall have priority in its instruction and decision.

Paragraph 4. It is the responsibility of the Minister of State for Justice and Public Security to decide to repeal the expulsion measure publicly.

Section V

Establishment and costing of the measures of compulsory removal

Art. 207. An act of the Minister of State for Justice and Public Security shall provide for specific rules for effecting, on an exceptional basis, the repatriation and deportation of a person who has committed an act contrary to the principles and objectives set out in the Brazilian Constitution, under the terms established in art. 45, head provision, item IX, of Law nº 13,445 of 2017.

Art. 208. The compulsory removal shall be conducted through a Federal Police term, which shall also communicate through the International Criminal Police Organization - Interpol, the police, and migratory authorities of countries of stopover, connections, and destination.

Art. 209. International cooperation measures may be applied in conjunction with any compulsory removal measure and, if applicable, preventing re-entry into national territory.

Sole paragraph. The prior execution of an international cooperation measure shall not affect the processing of a measure of compulsory removal.

Art. 210. The person in a situation of an impediment to entry, identified at the moment of entry into the national territory, who cannot be immediately repatriated, shall be kept under surveillance until his/her return to the country of origin or nationality when the Federal Police identify this need.

Art. 211. The Federal Police delegate may represent before the federal court for the arrest or another precautionary measure, subject to the provisions of Title IX of Decree-Law nº 3,689 of October 3rd, 1941 – Code of Criminal Procedure.

Paragraph 1. The applied precautionary measure linked to the immigrant or visitor's mobility must be communicated to the federal court and the consular office of the prisoner's country of nationality and registered in the Federal Police system.

Paragraph 2. If the immigrant on whom the measure falls is arrested for another reason, the fact must be communicated to the competent court of criminal enforcement to determine the presentation of the deportee or expellee to the Federal Police.

Paragraph 3. The deportee or expellee prisoner shall be informed of his/her rights, subject to the provisions of item LXIII of the head provision of art. 5 of the Brazilian Constitution, and the Public Defender's Office shall be notified if he/she does not inform the name of his/her defender.

Art. 212. The expenses of compulsory removal shall be paid with Federal resources only after all efforts for its effectiveness have been exhausted with the resources of the person on whom the measure falls, the carrier, or third parties.

Sole paragraph. The compulsory removal at the Federal Government's expense shall contain, for financial programming, the prior details of the expenses with the implementation of the measure.

CHAPTER XII

NATIONALITY AND NATURALIZATION

Section I

Option for Brazilian nationality

Art. 213. The option for nationality is the act by which the Brazilian born abroad and who has not been registered at a consular office confirms, before the competent judicial authority, his/her intention to maintain Brazilian nationality.

Paragraph 1. The nationality option shall not imply the resignation of other nationalities.

Paragraph 2. The nationality option is a strictly personal act and must occur through a specific procedure, under voluntary jurisdiction, before the Federal Justice, at any time, after reaching the age of civil majority.

Paragraph 3. The Federal Government shall always be heard in the procedure for nationality option through a summons addressed to the Office of the General Counsel for the Federal Government, subject to the provisions of art. 721 of Law nº 13,105 of March 16th, 2015 – Code of Civil Procedure.

Art. 214. The son/daughter of a Brazilian father or mother born abroad and who has not been registered with a consular post may, at any time, promote an action of nationality option, provided he/she is residing in the country.

Art. 215. The son/daughter of a Brazilian father or mother born abroad and whose foreign birth registration has been transcribed directly in a competent notary in the country shall have confirmation of nationality linked to the option for Brazilian nationality and residence in the national territory.

Paragraph 1. After reaching the age of civil majority and until the option for Brazilian nationality is made, the condition of born Brazilian shall be suspended for all purposes.

Paragraph 2. Having chosen Brazilian nationality, the effects of being a born Brazilian date back to the date of birth of the interested party.

Art. 216. Proof of the option for Brazilian nationality shall occur by registering the sentence in the Civil Registry of Natural Persons, observing the provisions of art. 29, head provision, item VII, of Law nº 6,015 of December 31st, 1973.

Sole paragraph. The registry must periodically inform the Federal Police of the data related to the option for Brazilian nationality.

Art. 217. The consular birth registration must be transferred to the Civil Registry of Natural Persons to generate full effects in the national territory, observing the provisions of art. 32 of Law nº 6,015 of 1973.

Section II

Conditions for naturalization

Article 218. Naturalization, the concession of which is the exclusive competence of the Ministry of Justice and Public Security, may be:

I - ordinary;

II - extraordinary;

III - special; or

IV - provisional.

Art. 219. An act of the Minister of State for Justice and Public Security shall provide for the documents and procedures necessary to prove the requirements for requesting each type of naturalization.

Art. 220. An act of the Minister of State for Justice and Public Security shall grant the naturalization, provided the objective conditions necessary for naturalization are satisfied, having considered a preliminary requirement for processing the request.

Art. 221. For purposes of counting the residence periods mentioned in the requirements for obtaining ordinary and extraordinary naturalization, the time in which the immigrant has indefinitely resided in the country shall be considered.

Sole paragraph. The residence shall be considered fixed for the provisional naturalization provided for in art. 244, from the moment the immigrant begins living in the country for an indefinite period.

Art. 222. The assessment of the naturalized person's ability to communicate in Portuguese shall be regulated by an act of the Minister of State for Justice and Public Security.

Sole paragraph. For the purposes of the provision in item III of the head provision of art. 233 and item II of the head provision of art. 241, the naturalizing conditions regarding the ability to communicate in Portuguese shall consider those resulting from disability, under the terms of the legislation in force.

Art. 223. The naturalized person may require the translation or adaptation of his name to the Portuguese language.

Art. 224. The interested party who wishes to apply for an ordinary, extraordinary, or provisional naturalization or the transformation of the provisional naturalization into a definitive one must submit a request in a unit of the Federal Police, addressed to the Ministry of Justice and Public Security.

Sole paragraph. In special naturalization, the petition may be submitted to the Brazilian consular authority, who shall forward it to the Ministry of Justice and Public Security.

Art. 225. Notifications regarding the naturalization procedure shall be conducted, preferably by electronic means.

Art. 226. The Ministries of Justice and Public Security and Foreign Affairs shall process naturalization requests through an integrated electronic system.

Art. 227. When processing the request for naturalization, the Federal Police shall:

I - collect the biometric data of the person to be naturalized;

II - gather information about the criminal history of the person to be naturalized;

III - report the request for naturalization; and

IV - may submit other information to instruct the decision regarding the request for naturalization.

Sole paragraph. In the event of special naturalization, the collection of biometric data provided for in item I of the head provision shall be conducted by the Ministry of Foreign Affairs.

Article 228. The naturalization procedure shall end within one hundred and eighty days, counting from the date of receipt of the request.

Paragraph 1. In the event of special naturalization, the term shall begin from the receipt of the request by the Ministry of Justice and Public Security.

Paragraph 2. In the event due diligence is necessary for the naturalization procedure, the period provided for in the head provision may be extended by an act by the Minister of State for Justice and Public Security, which justifies the extension.

Article 229. A Brazilian who has opted for Brazilian nationality or a naturalized person who has fulfilled his military obligations in the country of his previous nationality shall be entitled to the Exemption Certificate.

Art. 230. Naturalization takes effect after the date of publication of the naturalization act in the Federal Gazette.

Paragraph 1. Once the act of naturalization has been published in the Federal Gazette, the Ministry of Justice and Public Security shall communicate the naturalizations granted, preferably by electronic means:

I – to the Ministry of Defense;

II – to the Ministry of Foreign Affairs; and

III – to the Federal Police.

Paragraph 2. The registration of the act of granting naturalization shall be conducted in a specific system of the Ministry of Justice and Public Security, with the previous name and, if any, the translated or adapted one.

Art. 231. Within a year after granting naturalization, the naturalized person over eighteen years of age and under seventy years of age must appear before the Electoral Court for proper registration.

Sole paragraph. The information regarding the need to appear or not before the Electoral Court shall appear in the naturalization decision published by the Ministry of Justice and Public Security in the Federal Gazette.

Art. 232. The term for filing an appeal in the event of rejection of the naturalization request shall be ten days, counted from the date of receipt of the notification.

Paragraph 1. The appeal must be judged within sixty days, counted from the date of its filing.

Paragraph 2. The maintenance of the decision shall not prevent the submission of a new application for naturalization, provided the objective conditions necessary for naturalization are satisfied.

Paragraph 3. In the event of special naturalization, the term established in the head provision shall be counted from the date of the applicant's notification by the Ministry of Foreign Affairs.

Section III

Ordinary naturalization

Art. 233. For the procedure for granting ordinary naturalization, the following must be proven:

I - civil capacity, according to Brazilian law;

II - residence in the national territory for a minimum period of four years;

III - the ability to communicate in Portuguese, considering the conditions of naturalizing; and

IV - no criminal conviction or proof of rehabilitation, under the terms of the legislation in force.

Paragraph 1. The residence period in the national territory referred to in item II of the head provision must be immediately before the submission of the request.

Paragraph 2. Sporadic trips by naturalizing abroad, of which sum of duration do not exceed the period of twelve months, shall not prevent the granting of ordinary naturalization according to the terms provided for in item II of the head provision.

Paragraph 3. The possession or ownership of goods in the country shall not be enough proof of the requirement established in item II of the head provision, in which case the effective residence in the country must be proven.

Paragraph 4. The Ministry of Justice and Public Security shall consult official databases to prove the residence period referred to in item II of the head provision.

Art. 234. The request for ordinary naturalization shall be made through:

I – the presentation of the National Migration Registration Card of the naturalized person;

II - proof of residence in the national territory for the minimum period required;

III – the demonstration of the person to be naturalized of communicating in Portuguese, considering the person's conditions;

IV – the presentation of criminal record certificates issued by the States where the person to be naturalized has resided in the last four years and, if applicable, a rehabilitation certificate; and

V – the presentation of a criminal record certificate issued by the country of origin.

Art. 235. The minimum residence period established in item II of the head provision of art. 233 shall be reduced to one year if the naturalized person meets one of the following requirements:

I - having a natural or naturalized Brazilian child, except for provisional naturalization; or

II - having a Brazilian spouse or partner and not being legally or de facto separated from him/her when granting the naturalization.

Art. 236. The minimum residence period established in item II of the head provision of art. 233 shall be reduced to two years if the naturalized person meets one of the following requirements:

I - has provided or may provide relevant service to the country; or

II - is recommended for their professional, scientific, or artistic ability.

Sole paragraph. The assessment of the relevance of the service provided or to be provided to the country and of the professional, scientific, or artistic capacity shall be conducted by the Ministry of Justice and Public Security, which may consult other government bodies.

Art. 237. Subject to the provisions of art. 12, head provision, item II, subitem “a”, of the Brazilian Constitution, immigrants from Portuguese-speaking countries shall be required:

I - residence in the country for an uninterrupted year; and

II - moral reputability.

Section IV

Extraordinary naturalization

Art. 238. Extraordinary naturalization shall be granted to a person of any nationality who has taken up residence in the national territory for more than fifteen uninterrupted years and without a criminal conviction, or has already been rehabilitated in accordance with the legislation in force, provided Brazilian nationality is requested.

Paragraph 1. The residence period in the national territory referred to in the head provision must be immediately before the submission of the request.

Paragraph 2. Sporadic trips by the person to be naturalized shall not prevent the granting of extraordinary naturalization.

Paragraph 3. The possession or ownership of goods in the country shall not be enough proof of the requirement established in the head provision, in which case the effective residence in the country must be proven.

Paragraph 4. The Ministry of Justice and Public Security may consult official databases to prove the period of residence in the country provided for in the head provision.

Art. 239. The request for extraordinary naturalization shall be made through the presentation:

I - of the National Migration Registration Card of the person to be naturalized;

II - criminal record certificates issued by the States where the person to be naturalized has resided in the last four years and, if applicable, rehabilitation certificate; and

III - a criminal record certificate issued by the country of origin.

Section V

Special naturalization

240. Special naturalization may be granted to foreigners who fall under one of the following hypotheses:

I - be a spouse or partner, for more than five years, of a member of the Brazilian Foreign Service in activity or a person serving the Brazilian State abroad; or

II - be or have been employed in a diplomatic mission or a consular post in the country for more than ten uninterrupted years.

Paragraph 1. For the provision in item I of the head provision, a person at the service of the Brazilian State is whoever conducts a service of designation or appointment that has been made by a competent authority and published in the Federal Gazette.

Paragraph 2. The employee's absences shall be computed in the counting of the period established in item II of the head provision due to:

I - vacation;

II - maternity leave or paternity leave;

III - health; or

IV - leave under the terms of the country's labor legislation in which the diplomatic mission or consular office is allocated, of which duration is less than six months.

Art. 241. The following must be proven for the procedure for granting special naturalization:

I - civil capacity, according to Brazilian law;

II - ability to communicate in Portuguese, considering the conditions of the person to be naturalized; and

III - no criminal conviction or proof of rehabilitation, under the terms of the legislation in force.

Art. 242. The request for special naturalization shall be effected through:

I – the presentation of a valid civil identification document of the person to be naturalized;

II – the demonstration of the person to be naturalized of communicating in Portuguese, considering the person’s conditions;

III – the presentation of a criminal record certificate issued by the country of origin and, if residing in a different country, also by the country of residence.

Art. 243. A joint act of the Ministers of State for Justice and Public Security and Foreign Affairs shall provide for the necessary documents to prove the requirements established for the request for special naturalization.

Section VI

Provisional naturalization

Art. 244. Provisional naturalization may be granted to migrant children or adolescents who have taken up residence in the national territory before reaching the age of ten and must be requested through their legal representative.

Art. 245. The request for provisional naturalization shall be made through the presentation of:

I - the National Migration Registration Card of the person to be naturalized; and

II – the civil identification document of the representative or legal assistant of the child or adolescent.

Art. 246. Provisional naturalization shall be converted into permanent if the person to be naturalized expressly requests the Ministry of Justice and Public Security within two years after reaching the age of civil majority.

Paragraph 1. In evaluating the conversion request provided for in the head provision, the presentation of criminal background certificates issued by the States where the person to be naturalized has resided after completing the age of civil majority shall be requested and, if applicable, a rehabilitation certificate.

Paragraph 2. The Ministry of Justice and Public Security shall consult official databases to prove the residence of the person to be naturalized in the country.

Section VII

Equal rights between the Portuguese and Brazilians

Art. 247. The procedure for requesting equal rights between the Portuguese and Brazilians to which the Convention on Reciprocity of Treatment between Brazilians and the Portuguese refer, enacted by Decree nº 70,391 of April 12th, 1972, and the Treaty of Friendship, Cooperation, and Consultation between the Federative Republic of Brazil and the Portuguese Republic, enacted by Decree nº 3,927 of September 19th, 2001, shall be provided for in an act of the Minister of State for Justice and Public Security.

Section VIII

Loss of nationality

Art. 248. The naturalized person shall lose his/her nationality due to a ruling *res judicata* on an activity harmful to the national interest, under the terms established in art. 12, Paragraph 4, item I, of the Brazilian Constitution.

Sole paragraph. The judicial ruling that cancels naturalization for an activity harmful to the national interest shall take effect when *res judicata*.

Art. 249. The loss of nationality shall be declared to the Brazilian who acquires another nationality, except in the following cases:

I - recognition of original nationality by foreign law; and

II - the imposition of naturalization, by foreign law, on a Brazilian resident in a foreign state, as a condition for remaining in its territory or exercising civil rights.

Art. 250. The declaration of loss of Brazilian nationality shall be effected by an act of the Minister of State for Justice and Public Security, after an administrative procedure, in which the adversarial proceedings and full defense shall be guaranteed.

Art. 251. In the event of a loss of nationality procedure initiated at the request of the interested party, the request must contain at least:

I - the identification of the interested party, with the appropriate documentation;

II - the report of the motivating fact and its legal basis;

III - the documentation proving the incidence of the hypothesis of loss of nationality, duly translated, if applicable;

IV - email address of the interested party, if any.

Paragraph 1. The Ministry of Justice and Public Security shall publicize the decision regarding the loss of nationality on its website, including when an appeal is filed.

Paragraph 2. The decision referred to in Paragraph 1 shall be subject to an appeal to the next highest level, within ten days, counting from the date of publication on the Ministry of Justice and Public Security website.

Art. 252. The Ministry of Justice and Public Security shall acknowledge the loss of nationality:

I – to the Ministry of Foreign Affairs;

II – to the National Council of Justice; and

III – to the Federal Police.

Art. 253. The risk of generating statelessness shall be considered before the declaration of loss of nationality.

Section IX

Reacquisition of nationality

Art. 254. The Brazilian who has lost his/her nationality due to the provisions of item II of Paragraph 4, of art. 12 of the Brazilian Constitution may, if the cause ceases, reacquire it or have repealed the act that declared its loss.

Paragraph 1. Once the cause of the loss of nationality has ceased, the interested party may apply for its reacquisition through a request addressed to the Minister of Justice and Public Security.

Paragraph 2. The reacquisition of Brazilian nationality shall be conditioned to:

I - proof of having had the Brazilian nationality; and

II - evidence that the cause that gave rise to the loss of Brazilian nationality has ceased.

Paragraph 3. The cessation of the cause of the loss of Brazilian nationality may be demonstrated through an act of the interested party representing a request for waiver of the nationality then acquired.

Paragraph 4. The act that declared the loss of nationality might be repealed by a decision of the Minister of State for Justice and Public Security if it is found one of the exceptions provided for in subitems "a" and "b", of item II, of Paragraph 4, of art. 12 of the Brazilian Constitution.

Paragraph 5. The decision to repeal shall be substantiated through proof of recognition of original nationality by foreign law or the imposition of naturalization, which may be conducted by any means permitted by Brazilian law.

Paragraph 6. The effects resulting from the loss of nationality shall appear in the repeal decision.

Paragraph 7. The granting of the request for reacquisition or the repeal of the loss shall restore the original Brazilian nationality.

CHAPTER XIII

EMIGRANT

255. In the national territory, the recruitment of a Brazilian to work abroad in a foreign company, of which share capital has Brazilian company participation shall be regulated in an act of the Minister of Labor.

Section I

Public policies for emigrants

Art. 256. Public policies for emigrants shall observe the following principles and guidelines:

I - protection and provision of consular assistance through the country's representations abroad, to protect the interests of Brazilian nationals;

II - promotion of decent living conditions, through, among others, the facilitation of consular registration and the provision of consular services regarding the areas of education, health, work, social security, and culture;

III - promoting studies and research on emigrants and Brazilian communities abroad to support the formulation of public policies;

IV - diplomatic activities, in bilateral, regional, and multilateral spheres, in defense of the rights of Brazilian emigrants, in accordance with international law;

V - integrated governmental action, coordinated by the Ministry of Foreign Affairs, with the participation of government bodies working in the thematic areas mentioned in items I, II, III, and IV, to assist Brazilian communities abroad; and

VI - permanent effort to reduce bureaucracy, update and modernize the service system to improve assistance to emigrants.

Art. 257. Consular assistance comprises:

I - monitoring of cases of accidents, hospitalization, death, and imprisonment abroad;

II - the location and repatriation of Brazilian nationals; and

III - support in cases of armed conflicts and natural disasters.

Paragraph 1. Consular assistance does not include burial expenses or the transfer of the bodies of nationals who have died abroad, nor expenses with hospitalization, except for medical items and emergency assistance in situations of a humanitarian nature.

Paragraph 2. Consular assistance shall observe the provisions of international law and the laws of the country in which the country's representation is based.

Art. 258. The Ministries of Foreign Affairs and Finance shall seek to ensure equal treatment to Brazilians who, residing abroad, receive their pensions under the social security treaty to which the country is a party.

Section II

Emigrant rights

Art. 259. The emigrant who decides to return to the country intending on a residence may introduce into the country new or used goods, with waived import duties and customs duties, that the traveler, in compatibility with the circumstances of his/her trip, intended for personal or professional use or consumption, whenever it is impossible to presume import or export for commercial or industrial purposes, due to their quantity, nature, or variety.

Art. 260. In the event of a threat to social peace and public order due to serious or imminent institutional instability or a natural calamity of great proportions, special assistance should be provided to emigrants by Brazilian representations abroad.

Sole paragraph. In situations of political instability or natural catastrophe, it will be the Ministry of Foreign Affairs' responsibility to assess the effective threat to Brazilians' physical integrity affected by natural disasters, threats, and various disruptions and to evaluate the support actions proven necessary.

Art. 261. The Brazilian crew member hired by a foreign vessel or ship-owner, cabotage or long-haul, and with headquarters or branch in the country that economically exploits the territorial sea and the Brazilian coast, shall be entitled to insurance in charge of the contractor, valid for all contracting period, as provided for in the Brazilian Vessel Registry, against work accidents, total or partial disability, and death, without prejudice to the benefits of a more favorable policy in force abroad.

CHAPTER XIV

COOPERATION MEASURES LINKED TO MOBILITY

Section I

Extradition

Art. 262. Extradition is the measure of international cooperation between the Brazilian State and another State by which the delivery of a person who is subject to a definitive criminal conviction or to investigate ongoing criminal proceedings shall be granted or requested.

Paragraph 1. The request's processing shall be made through diplomatic channels or by the central authorities designated for that purpose.

Paragraph 2. Extradition and its communication routine shall be conducted by the Ministry of Justice and Public Security in coordination with the Ministry of Foreign Affairs and with the competent judicial authorities and police.

Art. 263. Conditions for granting extradition are:

I - the crime must have been committed in the territory of the requesting State or applies to the extradition of the criminal laws of that State; and

II - the extradited person must be responding to an investigative or criminal proceeding or been sentenced by the judicial authorities of the requesting State to a custodial sentence of more than two years.

Art. 264. The Ministry of Justice and Public Security is responsible for authorizing the transit of people extradited at the request of other foreign states through national territory, subject to the provisions of Law nº 13,445 of 2017.

Art. 265. An act of the Minister of State for Justice and Public Security shall provide the necessary procedures to conduct the extraditions in which the Brazilian State appears in the active or passive pole.

Subsection I

Passive extradition

Art. 266. Passive extradition occurs when the foreign State requests the Brazilian State to surrender a person who is in the national territory to which definitive criminal conviction or ongoing criminal proceedings falls.

Sole paragraph. The terms provide for in the head provision shall not prevent the temporary transfer of persons in custody for mutual legal assistance under the terms of the treaty or the promise of treatment reciprocity.

Art. 267. Extradition shall not be granted when:

I - the individual whose extradition is requested from the country is a native Brazilian;

II - the fact that motivates the request is not considered a crime in the country or the requesting State;

III - the country is competent, according to its laws, to judge the crime attributed to the extradited person;

IV - Brazilian law imposes a prison sentence of fewer than two years on the crime;

V - the extradited person is responding to the procedure or has already been convicted or acquitted in the country for the same fact as the request is founded;

VI - the punishment is extinguished by the statute of limitations, according to Brazilian law or that of the requesting State;

VII - the fact constitutes a political or opinion crime;

VIII - the extradited person has to answer, in the requesting State, before an exceptional court; or

IX - the extradited person is the beneficiary of refuge, under the terms of Law nº 9,474 of 1997, or of territorial asylum.

Paragraph 1. The hypothesis foreseen in item VII of the head provision shall not prevent extradition when the fact mainly constitutes an infraction of the common criminal law or when the common crime, connected to the political crime, constitutes the main fact.

Paragraph 2. The Brazilian Supreme Court shall assess the character of the infraction.

Paragraph 3. To determine the incidence of the hypothesis foreseen in item I of the head provision, the precedence of the event giving rise to extradition shall be observed in cases of acquisition of another nationality through naturalization.

Paragraph 4. The Brazilian Supreme Court may refrain from considering a political crime:

I – an attempt against a Head of State or other authorities;

II – a crime against humanity;

III – a war crime;

IV – a crime of genocide; and

V – an act of terrorism.

Paragraph 5. The extradition of a naturalized Brazilian for committing a common crime before naturalization or involvement in illicit trafficking in narcotics and related drugs shall not depend on nationality loss.

Art. 268. The extradited person may voluntarily surrender to the requesting State, provided he/she expressly declares receiving assistance from a lawyer and warning that he/she is entitled to the judicial procedure of extradition and the protection that such right entails, in which case the Brazilian Supreme Court shall decide the request.

Art. 269. The extradition request originating in a foreign State shall be received by the Ministry of Justice and Public Security and, after examining the presence of the formal admissibility requirements required by Law nº 13,445 of 2017, or in a treaty in which the country is a party, shall be referred to the Brazilian Supreme Court.

Paragraph 1. The commitments referred to in art. 274 must be presented when the requesting State formalizes the request.

Paragraph 2. If the assumptions referred to in this article are not fulfilled, the request shall be filed based on a reasoned decision, without prejudice to the possibility of renewing the request, duly instructed, once the obstacle identified is overcome.

Art. 270. No extradition shall be granted without the ruling of the Brazilian Supreme Court on its legality and origin.

Sole paragraph. There shall be no appeal against the decision issued by the Brazilian Supreme Court.

Art. 271. When the extradition is judged as proceeding by the Brazilian Supreme Court, the Ministry of Justice and Public Security shall assess whether the foreigner fulfills the extradited requirements.

Sole paragraph. If proceeding, compliance with the requirements shall be communicated through diplomatic channels or by the central authorities to the requesting State, which, within sixty days, counted from the date of the communication acknowledgment, must remove the extradited person from the national territory.

Art. 272. If the extradited person is responding to a procedure or has been convicted in the country for a crime punishable by deprivation of liberty, extradition shall only be conducted after the conclusion of the procedure or the total sentence has been served, except in the following cases:

I - early release of the extradited by the Judiciary; or

II - request of the extradited person to be transferred to serve the remainder of the sentence in his/her country of origin or in the country where he/she had his habitual residence or personal bond.

Art. 273. If the requesting State does not remove the extradited person from national territory within the period established in art. 272, the person shall be released without prejudice to other applicable measures.

Art. 274. The delivery of the extradited person shall not be conducted without the requesting State undertaking to:

I - not subject the extradited person to prison or prosecution for a fact before the extradition request;

II - compute the prison time that, in the country, has been imposed due to extradition;

III - commute the corporal, perpetual, or death penalty in a custodial sentence, respecting the maximum limit of thirty years;

IV - not hand over the extradited person, without the country's consent, to another State that claims him/her;

V - not consider any political reason to aggravate the penalty; and

VI - not subject the extradited person to torture or other cruel, inhuman, or degrading treatment or punishment.

275. In case of urgency, the State interested in extradition may, prior or in conjunction with the formalization of the extradition request, request a precautionary arrest, through diplomatic channels or central authority, within the scope of the Ministry of Justice and Public Security, to ensure the enforceability of the extradition measure, a hypothesis in which the central authority shall be responsible for presenting to the Brazilian Supreme Court, after examining the presence of the formal admissibility requirements required by Law nº 13,445 of 2017 or treaty to which the country is a party, which shall hear the General Attorney's Office in advance.

Paragraph 1. Provisional arrest requests must contain information regarding the crime committed and must be substantiated, which may be submitted by mail, fax, electronic message, or any other means that ensure written communication.

Paragraph 2. In the absence of a treaty, the Ministry of Foreign Affairs shall be provoked by the Ministry of Justice and Public Security to obtain, from the requesting country, the promise of reciprocity of treatment necessary for the instruction of the arrest request.

Paragraph 3. The request for precautionary detention may be transmitted to the Brazilian Supreme Court for extradition in the country through a channel established with the focal point of Interpol in the country, duly instructed with the supporting documentation for the existence of an arrest order issued by

a foreign state, and, in the absence of a treaty, with the promise of reciprocity of treatment received through diplomatic channels.

Paragraph 4. After the extradited person's arrest, the extradition request shall be forwarded to the Brazilian Supreme Court.

Paragraph 5. In the absence of a specific provision in an international convention or treaty, the foreign State must formalize the request for extradition within sixty days, counting from the date of notification of the person's arrest to be extradited.

Paragraph 6. The precautionary arrest may be extended until the final judgment of the competent judicial authority regarding the legality of the extradition request, safeguarding the prison's maintenance until the delivery of the extradited person to the foreign State, subject to the provisions of art. 92 and art. 93 of Law nº 13,445 of 2017.

Art. 276. When communicated by the Brazilian Supreme Court regarding the decision on the granting of precautionary detention, the Ministry of Justice and Public Security shall:

I - if the arrest is granted, comply with the order and communicate the requesting State, without prejudice to the communications between Interpol's counterparts, conducted by its official channel; or

II - if prison is denied, promptly communicate the requesting State.

Art. 277. After the arrest, the Ministry of Justice and Public Security shall inform the Brazilian Supreme Court of the date of compliance with the measure and location where the extradited person shall be held in custody in the country, in which case the prisoner shall be available to that Court.

Subsection II

Active extradition

Art. 278. Active extradition occurs when the Brazilian State requires the Foreign State to surrender a person who is subject to a definitive criminal conviction or investigate ongoing criminal proceedings.

Sole paragraph. The terms provided for in the head provision shall not prevent the temporary transfer of persons in custody for mutual legal assistance under the terms of the treaty or the promise of treatment reciprocity.

Art. 279. The request that may give rise to extradition proceedings before a foreign State must be forwarded to the Ministry of Justice and Public Security directly by the Judiciary body responsible for the decision or for the criminal procedure that justifies it.

Paragraph 1. The Ministry of Justice and Public Security is responsible for orienting, informing, and evaluating the formal elements of admissibility of preparatory procedures for forwarding to the requested State through diplomatic channels or central authorities.

Paragraph 2. It is the exclusive responsibility of the Judiciary body responsible for criminal proceedings to forward the request for active extradition to the Ministry of Justice and Public Security, accompanied by the notarized translation.

Paragraph 3. If the request for active extradition is forwarded directly to the Ministry of Foreign Affairs, the latter must necessarily relay it to the Ministry of Justice and Public Security to make the prior admissibility judgment.

Paragraph 4. The Ministry of Justice and Public Security may notify the organs of the Justice system linked to the procedure that generates the extradition request so that these bodies enable the presentation of the documents, manifestations, and other elements necessary for the order processing to the competent court, accompanied by official translations.

Paragraph 5. The forwarding of the request for extradition by the Judiciary body responsible for criminal proceedings to the Ministry of Justice and Public Security confers authenticity to the documents.

Art. 280. The Ministry of Justice and Public Security shall examine the presence of formal admissibility requirements required by law or treaty and, if met, shall immediately forward the request for the arrest or extradition to the requested State, through diplomatic channels or central authorities.

Section II

Transfer of criminal enforcement

Art. 281. In the cases in which a request for enforceable extradition can be made, the Ministry of Justice and Public Security shall exercise the function of central authority and examine the presence of the formal admissibility requirements required by Brazilian law or in a treaty of which the country is a party, so that the request for transfer of criminal enforcement can be processed before the competent Brazilian authorities, provided the principle of *non bis in idem* is observed.

Art. 282. The following are requirements for transferring criminal enforcement:

I - the person convicted in a foreign territory must be a national or have habitual residence or personal ties in the country;

II - the sentence is *res judicata*;

III - the duration of the sentence to be served or that remains to be served is at least one year on the date of submission of the request to the sentencing State;

IV - the fact that gave rise to the conviction constitutes a criminal offense under the law of both parties; and

V - the transfer is based on a treaty or promise of treatment reciprocity.

Art. 283. The request shall be received by the Ministry of Justice and Public Security, which, after examining the presence of formal admissibility requirements required by Brazilian law or treaty of which

the country is a party, shall forward the request to the Superior Court of Justice to decide on the homologation of the foreign sentence.

Art. 284. An act of the Minister of State for Justice and Public Security shall define the necessary procedures to conduct criminal enforcement transfers, whether requested or authorized by the Brazilian State.

Section III

Transfer of the convicted person

Art. 285. The transfer of the convicted person is a mechanism of international legal cooperation of a humanitarian nature that aims to contribute to the social reintegration of the beneficiary and may be granted when the request is based on a treaty in which the country is a party, or there is a promise of reciprocity of treatment.

Paragraph 1. The person convicted in the national territory may be transferred to his/her country of nationality or to the country in which he/she has a habitual residence or personal bond, provided he/she expresses interest in this regard, to serve the *res judicata* sentence imposed by the Brazilian State.

Paragraph 2. The transfer of the convicted person in the country may be granted along with a measure preventing the reentry into national territory.

Paragraph 3. It is incumbent upon the Ministry of Justice and Public Security to process and authorize transfers of convicted persons, in addition to the technical analysis of the negotiation procedures and expansion of the network of international treaties on the matter, in coordination with the Ministry of Foreign Affairs.

Paragraph 4. In the transfer, the Federal Police shall provide for the registration of the convicted person's biographical and biometric data, which shall include the collection of fingerprints and photographs.

Art. 286. The responsibility for the application and continued administration of the sentence shall pass from the sending State to the receiving State as soon as the convicted person is formally handed over to the receiving State's authorities.

Paragraph 1. When the sentenced person is placed in the custody of the receiving State authorities, the application of the sentence by the sending State shall cease.

Paragraph 2. If a transferred convicted person returns to the sending State after the sentence has ended in the receiving State, the sending State shall not apply the original sentence again.

Art. 287. The Ministry of Justice and Public Security shall maintain contact with the competent court in the national territory or with the receiving State's central authority, as the case may be, to monitor the continued application of the sentence after the transfer.

Art. 288. The application of the penalty shall be governed by the law of the receiving State, including as to the forms of extinction of punishment, except if provided for differently in a treaty to which the country is a party.

Art. 289. No convicted person shall be transferred unless the sentence is of an enforceable duration and nature or has been adapted to the enforceable duration in the receiving State by its competent authorities, under the terms of domestic law.

Sole paragraph. The Ministry of Justice and Public Security, in monitoring the application of the penalty, shall ensure that the receiving State does not aggravate, in any way, the penalty imposed in the sending State, subject to the legislation of the sending State.

Art. 290. An act of the Minister of State for Justice and Public Security shall provide for the necessary procedures to effect the transfer of convicted persons.

Subsection I

Passive transfer

Art. 291. Passive transfer occurs when the person convicted by the Brazilian Justice requests or agrees with the transfer to his/her country of nationality or country in which he/she has a habitual residence or personal bond to serve the remainder of the sentence.

Art. 292. The procedure of passive transfer of sentenced persons shall only be initiated through a request to the Ministry of Justice and Public Security made:

I - by the convicted person; or

II - by any person or authority, Brazilian or foreign, who knows the convicted person's interest in being transferred.

Art. 293. Once the request for transfer of a convicted person has been submitted, the Ministry of Justice and Public Security shall verify the fulfillment of the following requirements:

I - the person convicted in the territory of one of the parties is a national or has a habitual residence or personal bond in the territory of the other party that justifies the transfer;

II - the sentence has become *res judicata*;

III - the duration of the sentence to be served or that remains to be served is of at least one year on the date of submission of the request to the State in which the sentence is to be completed;

IV - the fact that gave rise to the conviction constitutes a criminal offense under the law of both States;

V - there is a manifestation of will by the convicted person or, when applicable, by his/her representative; and

VI - there is agreement from both States.

Paragraph 1. The Ministry of Justice and Public Security may act with the Judiciary, penitentiary establishments, diplomatic or consular offices, and the receiving State, through diplomatic channels or central authorities, and other bodies involved, to obtain information regarding the compliance with the requirements established in the head provision.

Paragraph 2. If there is no *res judicata* sentence, the case shall be suspended until the final condemnatory sentence.

Paragraph 3. If the other requirements established in the head provision in addition to the one referred to in Paragraph 2 are not met, the procedure shall be filed, and the interested party shall be notified immediately, without prejudice to a new transfer request.

Art. 294. The transfer request shall be based on a treaty to which the country is a party or, in its absence, on a promise of reciprocity of treatment.

Sole paragraph. The promise of treatment reciprocity shall be requested, through diplomatic channels, to the receiving State by the Ministry of Foreign Affairs.

Art. 295. An act of the Minister of State for Justice and Public Security shall provide for the necessary documentation for the instruction of the procedure, considering the treaties and the commitments assumed for reciprocity of treatment.

Subsection II

Active transfer

Art. 296. The active transfer occurs when the person convicted by the Justice of the foreign State requests or agrees with the transfer to Brazil for having Brazilian nationality or habitual residence or personal bond in the national territory, to serve the remainder of the sentence.

Art. 297. The procedure of active transfer of a convicted person shall only be initiated through a request to the Ministry of Justice and Public Security made:

I - by the convicted person; or

II - by any person or authority, Brazilian or foreign, who knows the convicted person's interest in being transferred.

Art. 298. Once the request for transfer of a convicted person has been submitted, the Ministry of Justice and Public Security shall verify the fulfillment of the following requirements:

I - the person convicted in the territory of one of the parties is a national or has a habitual residence or personal bond in the territory of the other party that justifies the transfer;

II - the sentence has become *res judicata*;

III - the duration of the sentence to be served or that remains to be served is of at least one year on the date of submission of the request to the State in which the sentence is to be completed;

IV - the fact that gave rise to the conviction constitutes a criminal offense under the law of both States;

V - there is a manifestation of will by the convicted person or, when applicable, by his/her representative; and

VI - there is agreement from both States.

Paragraph 1. The Ministry of Justice and Public Security shall inform the competent court of the Federal Justice about the transfer request received so that the vacancy in a prison establishment where the convicted person shall serve the remainder of the sentence in the national territory is provided.

Paragraph 2. The Ministry of Justice Public Security may act together with the Judiciary, the penitentiary establishments, the diplomatic or consular offices, the State Secretaries of Public Security, the sending State, through diplomatic channels or central authorities, and other organs involved, to obtain information regarding the fulfillment of the requirements established in the head provision.

Paragraph 3. If there is no *res judicata* sentence, the case shall be suspended until the final condemnatory sentence.

Paragraph 4. If the other requirements established in the head provision in addition to the one referred to in Paragraph 3 are not met, the procedure shall be closed, and the interested party shall be notified immediately, without prejudice to a new transfer request.

Art. 299. The Ministry of Justice and Public Security shall define the necessary documentation for the instruction of the procedures, considering the treaties and the commitments assumed for reciprocity of treatment.

CHAPTER XV

INFRACTIONS AND ADMINISTRATIVE SANCTIONS

Art. 300. The administrative infractions foreseen in this Chapter shall be investigated in a specific administrative procedure, ensuring the adversary procedure and full defense, as well as the provisions of Law nº 13,445 of 2017, of this regulation, and alternatively, Law nº 9,784 of 1999.

Paragraph 1. The simultaneous commitment of two or more infractions shall imply the cumulation of the applicable sanctions, respecting the limits established in items V and VI of the head provision of art. 301.

Paragraph 2. The fine attributed for a day of delay or excess of stay may be converted into an equivalent reduction in the stay period of the visiting visa, in the event of a new entry into the country, as provided for in an act of the highest officer of the Federal Police.

Paragraph 3. The payment of the fine shall not prevent the impediment of entering the country if the visitor has already exceeded the period of stay available in the migratory year, observing the provision in item XI of the head provision of art. 171.

Art. 301. For the definition of the amount of the fine applied, the Federal Police shall consider:

I - the individualized hypothesis of Law nº 13,445 of 2017;

II - the economic condition of the offender, the recurrence, and the seriousness of the infraction;

III - the periodic update as established in an act of the Minister of State for Justice and Public Security;

IV - the minimum individual amount of BRL 100.00 (one hundred reais);

V - the minimum amount of BRL 100.00 (one hundred reais) and the maximum amount of BRL 10,000.00 (ten thousand reais) for infractions committed by individuals; and

VI - the minimum amount of BRL 1,000.00 (one thousand reais) and the maximum amount of BRL 1,000,000.00 (one million reais) for infractions committed by a legal entity, per infraction.

Art. 302. The natural person or legal entity who repeats an offense provided for in art. 307, within twelve months, shall be considered a repeat offender anywhere in the national territory.

Art. 303. The fixing of the minimum individual value of fines in the event of recurrence shall obey the following criteria:

I - in the first recurrence, the amount shall be doubled;

II - in the second recurrence, the amount shall be tripled;

III - in the third recurrence, the amount shall be quadrupled; and

IV - from the fourth recurrence onwards, the amount shall be quintupled.

Paragraph 1. The criterion used for the legal entity in the assessment of recurrence shall be the repetition of the conduct and not the number of foreigners assessed.

Paragraph 2. The assessment that occurred after one year, counted from the date of the previous assessment, shall be disregarded for recurrence.

Art. 304. The fine resulting from a violation provided for in art. 307 shall expire in five years, counted from the date of the act, or, in the event of a permanent or continuous violation, counted from the date on which it ceased.

Art. 305. The fine's setting shall consider the economic situation of the assessed person, observing the hypotheses foreseen for individuals and legal entities.

Sole paragraph. The amount of the fine may be increased to the maximum provided by law if the assessing authority considers that, due to the economic status of the offender, the application of the minimum individual amount shall be considered ineffective.

Art. 306. The following may be considered as a severity for the fixation of the fine:

I - the facts and circumstances directly related to committing the infraction;

II - the infraction was committed after receiving clarifications or direct command previously provided by the migratory authority; and

III - the destruction of a barrier or obstacle directly related to committing the infraction.

Art. 307. It constitutes an infraction and subjects the infringer to the following sanctions:

I - entering national territory without authorization:

Sanction: deportation, in case the person does not leave the country or regularize the migratory situation within the established period;

II - remain in the national territory after the period of migratory documentation has ended:

Sanction: fine per day of excess and deportation, in case the person does not leave the country or regularize the migratory situation within the established period;

III - fail to register, within ninety days, counting from the date of entry into the country, when civil identification is mandatory:

Sanction: fine;

IV - not register, for a residence permit, within thirty days, when instructed by the competent body to do so:

Sanction: fine per day of delay;

V - transport to the country a person without regular migratory documentation:

Sanction: fine per person transported;

VI - the carrier does not comply with the commitment to maintain the stay or to promote the departure from the national territory of those who have been authorized to enter the country conditionally because they do not have the proper migratory documentation:

Sanction: fine; and

VII - avoiding migratory control when entering or leaving national territory:

Sanction: fine.

Art. 308. The sanctions applied shall be the object of a reconsideration request and appeal, under the terms of this regulation and the Federal Police's top officer's act.

Sole paragraph. The adversary procedure, full defense, and the guarantee of appeal, as well as the situation of under-sufficiency of the migrant or visitor, shall be respected.

Art. 309. The administrative infractions with a fine sanction provided for in this Chapter shall be investigated in an administrative proceeding, which shall be based on the infraction notice drawn up by the Federal Police.

Paragraph 1. The infraction notice shall report, in detail, the infraction and its legal basis.

Paragraph 2. The infraction notice shall be submitted to the offender's signature or his/her legal representative after signature by the authority responsible for the infraction.

Paragraph 3. If the offender or his/her legal representative cannot or refuses to sign the infraction notice, this fact must be registered in the infraction form.

Paragraph 4. When the infraction notice is drawn up, the offender shall be considered notified to present a defense within ten days.

Paragraph 5. The offender who, regularly notified, does not present a defense shall be considered as default.

Paragraph 6. By his/her own means or through a constituted defender, the offender may present a defense within the period established in Paragraph 4 and make use of the means and resources admitted by law, including a translator or interpreter.

Paragraph 7. At the end of the period established in Paragraph 4, the procedure shall be judged, and the Federal Police shall publicize the ruling issued on its website.

Paragraph 8. The decision referred to in Paragraph 7 shall be subject to appeal to the next judiciary level, within ten days, counted from the date of publication on the Federal Police website.

Paragraph 9. In the event of a final ruling with a fine sanction, the Federal Police shall publicize the ruling on its website.

Paragraph 10. The offender must pay the fine within thirty days, counting from the date of publication referred to in Paragraph 9.

Paragraph 11. The procedure shall be forwarded to the Attorney General's Office to determine the debt and the registration in active debt if the payment of the fine referred to in Paragraph 10 is not made.

Art. 310. The administrative infractions with a sanction of deportation provided for this Chapter shall be determined according to the administrative procedure referred to in art. 176.

Art. 311. The departure from the national territory of the person on whom an administrative infringement procedure has been opened shall not interrupt the course of said procedure.

CHAPTER XVI

FINAL AND TRANSITIONAL PROVISIONS

Art. 312. The consular rates and fees shall not be charged for granting visas or obtaining documents for migratory regularization to members of vulnerable groups and individuals in conditions of economic under-sufficiency.

Paragraph 1. The condition of economic under-sufficiency shall be declared by the applicant or by his/her legal representative and evaluated by the competent authority.

Paragraph 2. In the event of doubt about the economic under-sufficiency condition, the competent authority may request additional documentation to prove this condition.

Paragraph 3. In the event of a false declaration referred to in Paragraph 1, the applicant shall be subject to the payment of a corresponding consular rate or fee and the applicable administrative, civil, and criminal sanctions.

Paragraph 4. For exemption from consular rates and fees for granting a visa, the persons for whom the temporary visa for humanitarian reception is granted shall be considered to belong to vulnerable groups, under the terms established in a joint act of the Ministers of State of Justice and Security Public Relations, Foreign Affairs, and Labor.

Paragraph 5. For exemption from fees for obtaining migratory regularization documents, unaccompanied minors, victims of human trafficking and slave labor, and persons benefiting from a residence permit for humanitarian reception shall be considered as belonging to vulnerable groups.

Paragraph 6. The evaluation of the condition of economic under-sufficiency to process the visa application shall be provided for by the Ministry of Foreign Affairs, especially considering the specificities of the location where the visa is requested.

Paragraph 7. The assessment of the condition of economic under-sufficiency for the exemption from fees and for the request to obtain documents on migratory regularization shall be provided for by the Ministry of Justice and Public Security.

Paragraph 8. The terms provided for in the head provision also apply to the fines provided for in Chapter XV.

Art. 313. An act of the Minister of State for Justice and Public Security shall provide for the electronic notification referred to in Law nº 13,445 of 2017 and this Decree.

Art. 314. The Annex to Decree nº 9,150 of September 4th, 2017, becomes effective with the following changes:

"Art. 13 ....

....

VIII - instructing procedures and expressing an opinion on the subject of acknowledging, impeaching, and loss of refugee status, authorizing departure and re-entry into the country and issuing the travel document;

.... "(NR)

Art. 315. The visa issued up to the date of entry into force of Law nº 13,445 of 2017 may be used until the date foreseen for the term of expiration and may be transformed or have its period of stay extended.

Paragraph 1. Exceptionally in the case of visas that require prior authorization from the Ministry of Labor, the legal basis for their issuance shall be the one in force on the initial date of the procedure before the Ministry of Labor, for purposes of the definition, among others, of the typology and visa terms, observing the following:

I - the issuance of visas based on Law nº 6,815 of August 19th, 1980 shall be conducted only in the cases in which the visa application is submitted to the embassy or consulate within ninety days, counting from the date of publication of the authorization issued by the Ministry of Labor in the Federal Gazette;

II - the visa application submitted after the period established in item I shall be based on Law nº 13,445 of 2017, for purposes of defining, among others, the typology and terms of the visa; and

III - in the cases provided for in item II, the visa shall be granted based on Law nº 13,445 of 2017 and must correspond to the purpose of the trip, as issued by the Ministry of Labor.

Paragraph 2. The visa application submitted to the embassy or consulate until the date of entry into force of Law nº 13,445 of 2017 shall be processed based on the type of visas provided for in Law 6,815 of 1980, regardless of its date of issue.

Paragraph 3. The visas referred to in art. 4, head provision, item II, and art. 13, head provision, item II, of Law nº 6,815 of 1980, regardless of its date of issue, shall allow the performance of the other activities provided for in the visit visa, under the terms established in Law nº 13,445 of 2017 and this Decree, while they are valid.

Paragraph 4. Visas issued based on Law nº 6,815 of 1980 may be transformed into a residence permit or diplomatic, official, or courtesy visa, when applicable, in the national territory, provided the requirements established in this Decree are met.

Art. 316. The provisions of art. 315 applies, as applicable, to the procedures for migratory control, renewal of stay, and registration conducted by the Federal Police.

Sole Paragraph. Temporary residences and stays required until the date of entry into force of Law nº 13,445 of 2017 may be considered as residence permits provided for in this Decree, provided the requested residence modality requirements are fulfilled, under the terms of said Law and this regulation.

Art. 317. The bodies responsible for implementing this Decree's provisions shall have twelve months to adapt procedures and systems, counting from the date of its publication.

Art. 318. A joint act of the Ministers of State for Foreign Affairs and Labor shall provide for the integrated electronic system's operation for processing visa applications and residence permits referred to in art. 34, Paragraph 6, art. 38, Paragraph 9, art. 42, Paragraph 3, art. 43, Paragraph 3, and art. 46, Paragraph 5.

Art. 319. This Decree enters into force at its date of publication.

Brasília, November 20th, 2017; 196th of the Independence and 129th of the Republic.

MICHEL TEMER

Torquato Jardin

Aloysio Nunes Ferreira Filho

Ronaldo Nogueira de Oliveira

This text does not replace the one published in the Federal Gazette of 21.11.2017

ANNEX

TABLE OF RATES FOR THE RESIDENCE PERMIT REFERED TO IN ART. 131

NATURE OF THE ACTIVITY	VALUE
Processing and evaluation of the requests for residence permits	BRL 168.13
Emission of the immigrant identification card	BRL 204.77
Transformation of visit, diplomatic, official, and courtesy visas into residence permits	BRL 168.13