

DECREE 86.715 FROM DECEMBER 10, 1981.

Regulates Law 6.815 from August 19, 1980, which sets legal provisions for foreign citizens in Brazil, creates the National Immigration Council and establishes other provisions.

THE PRESIDENT OF THE REPUBLIC, in the use of the powers granted by art. 81, clause III of the Constitution,

DECREES:

Art . 1 - This Decree regulates the legal situation of foreign citizens in Brazil, according to the definitions provided by Law 6.815 from August 19, 1980, and the composition and attributions of the National Immigration Council.

TITLE I
ADMISSION, ENTRY AND REFUSAL

Admission
Section I
Consular Visas

Art . 2 - The admission of foreign citizens into the national territory is conditioned to the concession of the following visas:

- I - transit;
- II - tourist;
- III - temporary;
- IV - permanent;
- V - courtesy;
- VI - official; and
- VII - diplomatic.

§1 - Visas are issued abroad by Diplomatic Missions, Consular departments, Vice-Consulates and by honorary Consulates, when authorized by the Foreign Affairs State Secretariat,

§2 - Consular departments, Vice-Consulates and honorary Consulates may only issue courtesy, official and diplomatic visas when authorized by the Foreign Affairs State Secretariat.

§3 - In the case of suspension of diplomatic and consular relations entry visas to Brazil will be issued by the Diplomatic Missions and Consular departments of the country representing Brazilian interests.

Art . 3 - Issued visas may include the holder's legal dependent if dependency can be proved and providing the applicant fulfills the demands set by article 5.

Single paragraph - Dependency must be proved through the presentation of the respective official certificate or, if not possible, through a similar document at the

criteria of the consular authority.

Art . 4 - Stateless citizens must, in order to be granted a visa that can be refused after an evaluation process undertaken by the Ministry of Foreign Affairs, not only present the documents demanded by this Regulations, but also present proof that he/she will be allowed to return to the country of residence or precedence or to enter any other country.

Art . 5 - Entry visas will not be issued to foreign citizens:

I - if he/she is under 18 years of age and is not accompanied by his/her legal guardian or without his/her express authorization;

II - if he/she is considered hazardous to public order or to national interests;

III - if he/she has been previously expelled from Brazil, with the exception of revoked expulsion cases;

IV - if he/she has been sentenced or processed in a foreign country for a serious crime that is considered by Brazilian legislation as a ground for expulsion; or

V - if he/she does not fulfill the health conditions established by the Ministry of Health.

Single paragraph - A consular authority that refuses an entry visa based on the provisions of clauses II and V of this article must note the available applicant data documentation and inform the Foreign Affairs State Secretariat regarding the motives for the refusal which will, in turn, issue a memorandum to all Brazilian consular authorities abroad and forward the information to the Ministry of Justice's Federal Police Department and to the Ministry of Labor's Immigration Secretariat.

Art . 6 The Consular authority must, at the time of the visa concession, state the period of validity in the foreign citizen's travel document.

Art . 7 The Consular authority must, by all possible means, verify the authenticity of all received documentation.

Single paragraph – The documents enclosed to the visa application must be submitted in Portuguese, English, French or Spanish.

Art . 8 Visas are personal and the travel document will include visas stamps for the respective beneficiaries.

§1 - The visa application must be filled by the applicant in the respective visa form.

§2 - The application is individual but may include one son/daughter under 18 years of age provided he/she travels together with the applicant.

Art . 9 - The visa issued by the Consular authority and stamped on the applicant's travel document will include its respective classification and the granted period of stay in Brazil.

Single paragraph - The above mentioned authority will provide holders of

temporary or permanent resident visas with an authenticated copy of the application form to be used to comply with the provisions of §7 of article 23, §2 of article 27 and §1 of article 58.

Art . 10 - A foreign citizen living in a country bordering Brazil may enter the country provided he/she fulfills the provisions of article 37.

Art . 11 - Visas will not be granted to holders of passports, or equivalent documents, that are not valid for travel to Brazil.

Single paragraph - "Laissez-passer", safe conduct, re-entry permits and other travel documents issued by a foreign government or international organization recognized by the Brazilian Government are considered as equivalent to passports.

Art . 12 - The type of foreign passport, or the office/post of the holder, do not have any direct relation to the type of visa that will be granted by Brazilian authorities abroad or in Brazil.

Art . 13 - The Ministry of Foreign Affairs will conduct the necessary investigations related to fraudulent visa practices abroad and will forward its conclusions to the Ministry of Justice.

Subsection I Transit visas

Art . 14 - Transit visas may be granted to foreign citizens that need to enter Brazil in order to reach their final destination.

Art . 15 - The following documents must be submitted by the applicant in order to obtain a transit visa:

- I - passport or equivalent document;
- II - international vaccination certificate, when applicable; and
- III - transportation ticket to the country of destination.

§1 - The travel document must include, when applicable, the entry visa for the country of destination.

§2 - The documentation included in this article must be submitted to the respective federal authority at the time of entry into Brazil.

Art . 16 - The provisions established in article 42 will apply to transiting foreign citizens that need to interrupt a continuing voyage.

Subsection II Tourist visas

Art . 17 - Tourist visas are granted to foreign citizens that enter Brazil for recreational purposes or as visitors and it is presupposed that visa holders do not have any intention to immigrate or to exercise any type of remunerated activity.

Art . 18 - The following documents must be submitted by the applicant in order to obtain a tourist visa:

- I - passport or equivalent document;
- II - international vaccination certificate, when applicable; and
- III - proof of means of subsistence or a return travel ticket.

§1 - Bank account extracts, credit cards or other documents that state the possession of financial resources are accepted as proof of means of subsistence, at the discretion of the respective Consular authority.

§2 - A foreigner holding a tourist visa must present the documents included in this article when entering Brazil.

Art . 19 - The Ministry of Foreign Affairs has the responsibility to indicate which countries, and their respective national citizens, are exempted from the presentation of tourist visas.

Single paragraph - The Legal and Consular Department of the Ministry of Foreign Affairs will provide the Federal Police Department with actualized lists including the names of the countries that are exempted from tourist visas.

Art . 20 - A tourist exempted from presenting an entry visa must, according to the provisions of the previous article, present the following documents when entering the national territory:

- I - a passport or equivalent document or, when applicable, an identity card;
- II - international vaccine certificate, when applicable.

§1 - The Federal Police Department may, if questions arise regarding the intentions of the holder of a tourist visa, demand proof of means of subsistence and a travel ticket that will allow the foreign citizen to leave the country.

§2 - The possession of currency or a credit card are, for the purposes of the previous paragraph, considered proof of means of subsistence.

Art . 21 - The period of stay in Brazil may be reduced at the criteria of the Federal Police Department.

Subsection III Temporary visas

Art . 22 – Temporary visas may be granted to foreign citizens that enter Brazil:

- I - for cultural or educational purposes;
- II - for business purposes;
- III - as artists or sportsmen/sportswomen;
- IV – as a student

V - as scientists, professors, technicians or other professionals contracted or at the service of the Brazilian Government;

VI - as correspondents for a newspaper, magazine, radio or television station, or foreign news agency; and

VII - as religious ministers or members of a religious institution, congregation or religious order.

Art . 23 - Foreign citizens must present the following documents in order to obtain a temporary visa:

I - a passport or equivalent document or, when applicable, an identity card;

II - international vaccine certificate, when applicable;

IV - proof of means of subsistence; and

V - criminal record certificate or its equivalent, at the criteria of the consular authority.

§1 - Temporary visas that are the subject of items I, II, IV, V and IV of the previous article may only be granted, unless due to force majeure, by the consular department at the location of the applicant's residence provided the applicant has resided in the same location for a period of one year prior to the application.

§2 - Visas that are the subject of items III and V of the previous article may only be granted by the respective Brazilian Consulate if the foreign citizen is one of the parties of a labor contract approved by the Labor Ministry's Immigration Secretariat, unless the applicant can prove that he/she will render services to the Brazilian Government.

§ 3º - O Ministério das Relações Exteriores poderá autorizar a dispensa da prova a que alude o item III deste artigo em relação aos estrangeiros nas condições dos itens I a IV do artigo 22, no caso de estada até noventa dias.

§4 - The following are considered proof of means of subsistence:

I - invitation or certificated issued by the cultural or educational entity specifying the period of stay and the nature of the activity, if the visa applicant intends to enter Brazil for cultural or educational purposes, officially or privately, or an equivalent document which justifies, at the criteria of the consular authority, the applicant's travel to Brazil;

II - declaration issued by an enterprise or entity linked to the foreign citizen in cases related to business trips, or by an individual, at the criteria of the consular authority;

III - document certifying that the foreign citizen is the beneficiary of a scholarship or a Brazilian cultural convention if the applicant is a student; the competent consular authority will demand proof of sufficient means of subsistence for the foreign citizen's stay in Brazil if he/she does not fulfill any of the above conditions;

IV - signed pledge issued by the entity in Brazil stating its responsibility for the foreign citizens subsistence and exit from Brazil, if the applicant is a religious minister or a member of religious institution, congregation or religious order.

§5 - Contracts approved by the Ministry of Labor's Immigration Secretariat will be forwarded to the Consular and Legal Departments of the Ministry of Foreign Affairs and to the Ministry of Justice's Federal Department.

§6 - Consular authorities may, in cases related to items III and V of article 22 and apart from the presentation of the documents included in §2 of this article, demand proof of the applicant's profession, unless he/she is at the service of the Brazilian Government.

§7 - Holders of temporary visas must, at the time of entry into Brazil, present the documents included in item I of this article and in the single paragraph of article 9 to the competent federal authorities. (Text provided by Decree 87 from April 15, 1991)

Art . 24 - The Consular and Legal Department of the Ministry of Foreign Affairs will forward all information related to visas granted under the protection of §2 of the previous article to the Ministry of Labor's Immigration Secretariat.

Art . 25 - The periods of stay in Brazil for holders of temporary visas are:

I - up to two years in cases related to cultural or educational visits;

II - up to ninety days in cases related to business visits;

III - up to ninety days in cases related to visits as artists or sportsmen/sportswomen;

IV - up to one year for studying purposes;

V - up to two years for contracted scientists, professors, technicians or other kind of professionals and individuals at the service of the Brazilian Government;

VI - up to four years for newspaper, magazine, radio or television and news agency correspondents;

VII - up to one year for religious ministers or members of a religious institution, congregation or religious order.

Subsection IV Permanent visas

Art . 26 - Permanent visas may be granted to foreign citizens that wish to settle in Brazil on a permanent basis.

Art . 27 - Foreign citizens must, in order to obtain a permanent residence visa, fulfill the particular demands established by immigrant selection norms and present the following documents:

I - passport or equivalent document;

II - international vaccination certificate, when applicable;

III - health certificate

IV - criminal record or equivalent document, at the discretion of the consular authority;

V - proof of residence;

VI - birth or marriage certificate; and

VII - employment contract approved by the Ministry of Labor's Immigration Secretariat, when applicable.

§1 - Permanent residence visas are issued exclusively, unless the applicant can present proof of force majeure, by the Brazilian consulate located at the applicants place of residence and provided he/she can present proof of residence for a period of at least one year prior to the application.

§2 - Foreign citizens holding permanent visas must, at the time of entry into Brazil, present the documents included in item I of this article and in the single paragraph of art. 9 to the competent federal authority. (Text provided by Decree 87 from April 15, 1991) .

Art . 28 - Permanent visas may be conditioned, for a period of up to five years, to the exercise of a certain activity and fixed residence at an established region of the national territory.

Single paragraph - The visa issued by Brazilian consular authorities will include a note regarding the foreign citizen's fixed activity and place of residence.

Section II Health inspections

CHAPTER II Entry

Art . 29 - Cabe ao Ministério da Saúde, através da Divisão Nacional de Vigilância Sanitária de Portos, Aeroportos e Fronteiras, examinar e fiscalizar as condições de saúde do estrangeiro candidato a entrada ou permanência no Brasil.

Parágrafo único - No exame de saúde será considerada a correlação entre a capacidade física do estrangeiro e a profissão a que se destina.

Art . 30 - O exame de saúde no exterior, para concessão de visto consular a estrangeiro que pretenda entrar no Brasil, deverá ser efetuado por médico da confiança da Repartição consular brasileira.

Art . 31 - O exame de saúde dos candidatos a visto permanente no exterior, ou a transformação de visto no Brasil, será obrigatoriamente extensivo a todo o grupo familiar, devidamente comprovado, ainda que somente o chefe de família seja candidato à imigração.

§ 1º - A comprovação de que trata este artigo será feita mediante apresentação do registro de família, declaração consular ou documento idôneo a critério da autoridade de saúde.

§ 2º - Quando somente o chefe de família for candidato a permanência deverá apresentar, também, exames médicos dos seus dependentes legais efetuados por médico de confiança da Repartição consular brasileira ou, na sua falta, por órgãos oficiais do país de origem.

Art . 32 - Para cumprimento do disposto no artigo anterior, serão observados ainda os seguintes critérios:

I - para casados: exame médico do cônjuge, dos filhos menores e dos dependentes legais;

II - para filhos menores: exame médico dos pais; e

III - para solteiros maiores: exame médico individual.

Art . 33 - A inabilitação de um componente do grupo familiar por qualquer das restrições constantes dos itens I a III e V a VIII do artigo 52, acarretará a rejeição de todo o grupo.

Parágrafo único - Não se aplicam as restrições deste artigo ao maior de sessenta anos de idade, dependente de imigrante qualificado, desde que sua condição não constitua risco para a saúde pública.

Art . 34 - No caso de interesse nacional, as restrições constantes das normas técnicas especiais, estabelecidas pelo Ministério da Saúde, não constituirão motivo de impedimento à concessão do visto permanente ou do temporário, de que trata o item V do artigo 22, desde que as condições de saúde do estrangeiro não representem risco à saúde pública.

Art . 35 - Os atestados e formulários de saúde obedecerão a modelos próprios instituídos pelo Ministério da Saúde.

CAPÍTULO II

Da Entrada

Art . 36 - Foreign citizens entering Brazil are required to present a visa issued according to this Regulation unless he/she is a citizen of a legally exempted country.

Single paragraph - The Federal Police Department may authorize the entry of a foreign citizen into the national territory after the expiration of the visa validity period provided he/she can present proof of force majeure.

Art . 37 - Citizens of bordering countries residing at a location that is adjacent to the national territory may be allowed to enter Brazilian municipalities bordering his/her respective country provided they can present a valid identity card issued by the competent authorities of his/her country.

Art. 38. Foreign citizens entering the national territory will, at the location of entry, be inspected by the Federal Police, the Revenue Service and, when applicable, by the competent authority of the Ministry of Health and must present all documentation required by this Decree. (Text provided by Decree 87 from April 15, 1991)

§1 - Foreign citizens entering Brazil by land will be inspected at set locations by the respective authorities named in this article.

§2 - Foreign citizens entering Brazil by sea will be inspected aboard the sea vessel at the disembarkation harbor.

§3 - Foreign citizens entering Brazil by air will be inspected at the airport of arrival or, if the international flight becomes a national flight at the final arrival location according to criteria set by the Ministry of Justice's Federal Police Department and after the conclusion of consultations with the Ministry of Health's National Division of Sanitation Vigilance of Harbors, Airports and Borders and with the Finance Ministry's Federal Revenue Secretariat.

Art . 39 - The Federal Police Department may allow entry to a foreign citizen holding a visa lacking the respective classification, or any other mistake, and will retain his/her travel document and provide a certificate of the fact.

Single paragraph - The travel document will be forwarded to the Ministry of Foreign Affairs by the Federal Police Department for classification or any other correction.

Art . 40 - Dubious cases related to entry visa exemption for holders of diplomatic, official or service passports will be immediately forwarded by the Federal Police Department to the Ministry of Foreign Affairs which will have the final word regarding the entry of the foreign citizen.

Art . 41 - The Federal Police Department may allow the conditional entry of a foreign citizen that does not fulfill the provisions or article 53 if officially authorized by the Ministry of Health's National Division of Sanitary Vigilance of Harbors, Airports and Borders.

Art . 42 - The transportation company, or its agent, responsible for the transportation of a foreign citizen that is forced to interrupt his/her continuous voyage due to impossible immediate boarding or any other imperious motive must provide the Federal Police Department with a written fact statement.

Single paragraph - The Federal Police Department will, provided it accepts the alleged motives, decide where the foreign citizen will be held and which conditions must be observed by the foreign citizen and the transportation agent and, urge the continuation of the voyage within a time period that does not exceed the absolutely necessary.

Art . 43 - The Federal Police Department may allow the transfer or debarkation of a crew member who, for imperious motives, is forced to interrupt his/her voyage within the national territory.

Single paragraph - The transportation company or its agent must, for all of this article's purposes, previously inform the Federal Police Department and assume, in writing, the responsibility for all costs related to the transfer or the debarkation of the foreign crew member.

Art . 44 - A clandestine foreign passenger may be transferred if requested by the transporting company or its agent and provided it/they assume the responsibility for all related costs.

Art . 45 - Health authorities must provide a certificate if the transfer or debarkation of a foreign citizen, according to the provisions of articles 42 and 43, is requested due to illness.

Art . 46 - The norms and recommendations contained in the appendix to the International Civil Aviation Convention will be enforced in cases related to air transportation and to the transfer or debarkation of a passenger or crew member.

Art . 47 - The transportation company or its agent will, at all times, be held responsible for the upkeep and other passenger related expenses, on a continuous voyage, or crew member that is not present at the time of departure and for their removal from the national territory.

Single paragraph - The Federal Police Department will, for all of this article's purposes, demand a signed letter of liability from the transportation company or its agent.

Art . 48 - A foreign citizen arriving from a foreign country is not allowed to leave the entry and inspection areas before the Federal Police Department has inspected his/her travel document and entry and exit card.

Art . 49 - Foreign crew members working aboard a sea vessel on an international route are not allowed to debark and enter the national territory before presenting a seaman's identity card, according to the terms of the International Labor Organization Convention.

Single paragraph - The identity card that is the subject of this article may be substituted by a travel document that states that the holder is a seaman.

Art . 50 - Foreign citizens that entered Brazil as tourists or in transit are not allowed to redeem their travel tickets without the previous authorization of the Federal Police Department.

CHAPTER III Entry Refusal

Art . 51 - Foreign citizens are not allowed to enter the national territory if, apart from the provisions included in article 26 of Law 6.815 from August 19, 1980, they do not:

I - present a travel document or identity card, when applicable;

II - present a travel document that:

a) is not valid for Brazil;

b) has expired;

c) is damaged or presents evidence of falsification;

d) contains a consular visa that has not been issued according to the provisions of Law 6.815 from August 19, 1980, and according to this Regulation.

Single paragraph - The entry refusal will be stamped on the foreign citizen's travel document by the Ministry of Justice's Federal Police Department and, when

applicable, after consultations with the Ministry of Health's National Division of Sanitary Vigilance of Harbors, Airports and Borders.

Art . 53 - Entry refusal based on health motives must be sanctioned or suspended by health authorities.

§1 - The health authority will inform the Federal Police Department if it deems as necessary the conditional entry of a foreign citizen, holding a temporary or permanent visa, due to insufficient medical documentation or when it recommends further medical examinations in order to reach a final diagnosis.

§2 - A foreign citizen subjected to the provisions of the previous paragraph may not leave the location of entry before completing the determined medical exams and the Federal Police Department has the right to hold his/her travel document and to set a specific permanence location.

§3 - The health authority will forward its decision, in writing, to the Federal Police Department which will in turn take the applicable measures.

Art . 54 - The Federal Police Department will note the reasons for entry refusal on the foreign citizen's travel document and the consular entry visa will be stamped with the refusal seal.

Art . 55 - The transportation company is, at all times, responsible for the exit of clandestine or refused foreign citizens.

§1 - The Federal Police Department may allow the conditional entry of a refused foreign citizen, and set a specific permanence location, if his/her exit cannot be enforced immediately.

§2 - The Federal Police Department may hold a clandestine foreign citizen under custody for a maximum period of thirty days, which can be extended by an equal period, if it is not possible to enforce his/her exit from the national territory.

§3 - The transportation company or its agent must, in cases related to the previous paragraphs, present the Federal Police Department with a signed term of responsibility regarding the upkeep of the foreign citizen.

TITLE II REFUGEES

Art . 56 - The Federal Justice Department will, when granting refugee status, set the terms and the period for the stay of the refugee in Brazil and, if applicable, set additional conditions related to his/her duties imposed by International Law and current legislation.

Single paragraph - The Federal Justice Department will forward a copy of the terms that are the subject of this article to the Federal Police Department for registration purposes.

Art . 57 - A refugee that wishes to exit and return to Brazil without renouncing his/her refugee status must obtain the previous authorization of the Federal Police Department.

TITLE III

REGISTRATIONS AND REGISTRY ALTERATIONS

CHAPTER I Registration

Art . 58 - A foreign citizen that entered Brazil with a temporary or permanent visa (article 22, I and II and from IV to VII) or as a refugee must register with the Federal Police department within thirty days after entry, or after the concession of asylum, and undergo fingerprinting identification according to the provisions of this Regulation.

§1 - Registration will be processed through the presentation of a travel document that identifies the registering foreign citizen as well as a copy of the Brazilian consular application form, or a certificate issued by the consular authority of the country of origin, in cases related to visa change.

§2 - The registration form must contain the following information: name, affiliation, place and country of birth, nationality, date of birth, sex, civil state, profession, level of education, place and date of entry into Brazil, type and number of travel document, consular visa number and classification, date and place of visa concession, used transportation as well as information related to minor children and residence, work and studies.

§3 - Registration is conditioned to the presentation of proof that the foreign citizen entered Brazil legally after he/she was granted the respective consular visa type.

§4 - The registering foreign citizen must present a birth or marriage certificate, consular certificate or legal justification if he/she is unable to provide any kind of information regarding his/her civil identification.

§5 - A foreign citizen that has been granted a change of visa from official or diplomatic to temporary or permanent will only be registered after complying with the provisions of the single paragraph of article 73.

§6 - Students that entered Brazil under the protection of a cultural convention agreement must also register with the Ministry of Foreign Affairs through the presentation of the identity document issued by the Federal Police Department.

Art . 59 - The registered name and nationality of the foreign citizen must be the same as those included in his/her travel document.

§1 - If the foreign citizen's name stated in his/her travel document is an abbreviation he/she must present proof of its complete spelling through the presentation of a qualified document.

§2 - If the foreign citizen has been assigned a nationality by an international organization or by the authorities of a third country, his/her nationality can only be registered through the presentation of a qualified official document or after confirmation by the competent diplomatic or consular authorities.

§3 - If the visa holder's travel document does not include his/her nationality he/she will be registered:

I - as stateless, if he/she lacks a nationality;

II - with undefined nationality if citizenship cannot be proved according to the provisions of the previous paragraph.

Art . 60 - Registered foreign citizens will be provided with an identity card, including minors and those attending school.

Single paragraph - Identity cards should contain the respective information when visas were granted based on the hypothesis stated in articles 18, 37 §2 and 97 of Law 6.815 from August 19, 1980.

Art. 61 - Holders of diplomatic, official or courtesy visas that remain in Brazil for a period that is superior to ninety days must register with the Minister of Foreign Affairs.

§1 - Foreign citizens holding a diplomatic, official or service passport and entered Brazil under the protection of a visa exemption agreement must also be registered in the registry mentioned in this article, if their stay surpasses ninety days.

§2 - Registration will be made in its respective form supplied by the Ministry of Foreign Affairs.

§3 - Registered foreign citizens, according to the provisions of this article, will be supplied with an identity card.

Art . 62 - A citizen of a bordering country, residing in a location near the national territory, who has been allowed to enter Brazil through the presentation of an identity card and intends to exercise a remunerated activity or enroll in an educational establishment located in municipality bordering the location of his/her residence will, while safeguarding the national interests, be registered by the Federal Police Department and supplied with a special identification document characterizing his/her condition.

Single paragraph - Registration requires the presentation of the following documentation:

I - identity card officially issued by his/her country;

II - proof of origin;

III - proof of residence at a location in his/her country that is adjacent to the national territory;

IV - employment letter of intent, or of enrollment, depending on the case;

V - proof of a clean criminal record in his/her country.

Art . 63 - The Labor and Social Security Cards supplied by the Regional Labor Department based on the hypothesis foreseen in the single paragraph of article 60 and of article 62, according to the respective case, will contain a stamp stating that it is only valid for the Municipality where the foreign citizen was registered by the Federal Police Department.

CHAPTER II Extension of Period of Stay

Art . 64 - The Ministry of Justice is responsible for the extension of periods of stay for tourists, temporary residents and refugees and the Ministry of Foreign Affairs is responsible for the extension of courtesy, official or diplomatic visas.

Section I Extension of Period of Stay for Tourists

Art . 65 - The extension of the period of stay for tourists may not exceed ninety days and may be canceled by the Federal Police Department.

§1 - The extension may be granted by the Federal Police Department provided the application is made before the expiration of the original authorized period and conditioned to the presentation of:

I - proof of payment of a respective tax;

II - possession of financial resources for personal subsistence while in Brazil.

§2 - The extension will be noted on the travel document or, when admission was granted through the presentation of an identity card, on the entry and exit card.

Section II Extension of Stay for Temporary Residents

Art . 66 - The period of stay for holders of temporary visas can be extended:

I - by the Federal Police Department in cases related to items II and III of article 22;

II - by the Federal Justice Department, in any other cases, which will consider the provisions set by labor legislation and, when applicable, consult with the Ministry of Labor's Immigration Secretariat.

§1 - Extensions will follow the same classification as originally registered and may not surpass the limits foreseen in article 25.

§2 - The extension application does not in itself necessarily imply that measures will not be effected by the Federal Police Department to promote the removal from Brazil of foreign citizens that exceed their period of stay.

Art . 67 - The application for an extension of the period of stay for holders of temporary visas must be made before the end of the original period and accompanied by:

I - notarized copies of the travel document;

II – proof of:

- a) registration as a temporary visa holder;
- b) possession of means of subsistence;
- c) motive for the extension application.

§1 - The presentation of proof of possession of means of subsistence in cases

related to article 22 consists of:

I - in cases related to item I, the renewal of invitation or appointment by the cultural or scientific entity, official or private, or the presentation of an equivalent document that justifies the extension application, specifies the period of stay and the nature of the foreign citizen's function;

II - document attesting financial capacity, in cases related to item II;

III - in cases related to items III and V, the extension of the original employment contract or a new contract stating that the employer assumes the responsibility for the exit of the foreign citizen;

IV - in cases related to item IV, the presentation of of a written vouch related to the upkeep of the applicant, except for students under the protection of a convention agreement;

V - in cases related to item VI, a declaration signed by the entity linked to the foreign citizen justifying the need to the extension;

VI - in cases related to item VII, a document where the entity to which the foreign citizen is linked to assumes the responsibility for his/her subsistence.

§2 - Applications submitted by students must also include proof of educational improvement and enrollment guarantee.

§3 - The extension application that is the subject of item II of the previous article must be submitted up to thirty days before the expiration of the granted period of stay.

§4 - The application related to the case foreseen in the previous paragraph can be submitted directly to the Federal Justice Department, or to the local organ of the Federal Police Department, which will forward it to the Ministry of Justice within a maximum of five days, a period that if exceeded may lead to the punishment of the responsible public servant.

§5 - The organ that grants an extension related to the hypothesis that is the subject of item III must inform the fact to the Ministry of Labor's Immigration Secretariat.

Section III Extension of Stay for Refugees

Art . 68 - Extensions of the period of stay for refugees may be granted by the Federal Justice Department.

CHAPTER III Change of Visa Type

Art . 69 - Holders of the type of visas that are the subject of items V and VII of article 22 may change their visas to permanent resident visas provided they fulfill the established requirements.

Art . 70 - It is the responsibility of the Federal Justice Department to grant the following visa type changes:

I - to permanent, for visas mentioned in article 69;

II - diplomatic or official to:

- a) temporary, according to the items IVI of article 22;
- b) permanent.

§1 - The application must be submitted to the local Federal Police Department at least thirty days prior to the termination of the original period and will be forwarded to the Federal Justice Department within five days, which cannot be extended, and lack of compliance with this deadline may lead to the punishment of the public servant.

§2 - The visa type change will only be granted if the applicant fulfills the conditions established for permanent visa concessions.

§ 3º - O Ministério da Saúde, por intermédio da Divisão Nacional de Vigilância Sanitária de Portos, Aeroportos e Fronteiras, transmitirá ao Departamento Federal de Justiça do Ministério da Justiça a relação de estrangeiros recusados nos exames de saúde para permanência no País.

§4 - The Federal Justice Department will inform the following organs after the concession of visa type changes:

I - The Ministry of Justice's Federal Police Department and the Ministry of Labor's Immigration Secretariat in cases related to item I of this article;

II - The Consular and Legal Department of the Ministry of Foreign Affairs in cases related to item II of this article.

Art . 71 - The applicant may leave the national territory for a period of up to ninety days without jeopardizing the application process or risking the denial of the request.

Single paragraph - The provisions of this article does not guarantee the return of the foreign citizen to Brazil without a consular visa, when required.

Art . 72 - Refused visa type changes may be appealed to the Federal Justice Department.

§1 - The appeal must be submitted to the Federal Police Department that processed the original request within fifteen days, counting from the date of the publication of the refusal in the Official Gazette, and include the legal and factual basis and their respective proof.

§2 - The Federal Police Department will supply the applicant with an appeal certificate.

Art . 73 - Foreign citizens that have been granted visa type changes must register with the Federal Police Department within ninety days counting from the date of publication of the concession in the Official Gazette or risk visa cancellation.

Single paragraph - The registration of a foreign citizen that has been granted a visa type change under the protection of item II of article 70 can only be effectuated through the presentation of the travel document containing the cancellation, by the

Ministry of Foreign Affairs, of the original diplomatic or official visa.

Art . 74 - The change of transit, tourist, temporary and permanent visa types to official or diplomatic visas may only be granted by the Consular and Legal Department of the Ministry of Foreign Affairs.

§1 - The provisions of this article also apply to foreign citizens that enter the national territory under the protection of visa exemption agreements.

§2 - The Consular and Legal Department of the Ministry of Foreign Affairs will inform the Ministry of Justice's Federal Police Department regarding granted visa type changes including the foreign citizen's qualification data and the number and date of the registration according to the provisions of article 58.

Art . 75 - A request for visa type change does not preempt the enforcement of article 98 by the Federal Police Department if the applicant does not respect the legal period of his/her stay in the national territory.

CHAPTER IV Entry Changes

Art . 76 - It is the responsibility of the Ministry of Justice to authorize the change of entries contained in a foreign citizen's registration file.

Art . 77 - Requests for name changes must be addressed to the Ministry of Justice and include the following certificates issued by following organs of the States of the Federation where the foreign citizen has resided:

I - the inspection organs of the Federal and State Police;

II - the Title-deed Protest Registry;

III - the Registries of Federal and State legal actions;

IV - the Federal, State and Municipal Revenue services.

§1 - The application must be submitted to the Federal Police Department, at the location of the applicant's residence, that will appendix the request to a copy of the foreign citizen's registration file and initiate investigations regarding the applicant's social conduct.

§2 - The Federal Police Department will, conditioned to compliance with the provisions of the previous article, forward the process to the Federal Justice Department which will, after adding its opinion, forward it to the Minister of Justice.

Art . 78 - A name is, for all purposes related to entry changes, the first name and all family names.

§1 - A foreign citizen's name abbreviation may be registered if it is used as a commercial registered firm or in any other professional activity.

§2 - Clerical errors will be officially corrected.

Art . 79 - Foreign citizens are not required the authorizations included in article 76 for the registration of name changes due to:

I - marriage performed by a Brazilian authority;

II - marriage, divorce, legal separation annulment and nullity pronounced by a Brazilian authority;

III - subsequent marriage;

IV - separation or divorce administrative certificate issued by a foreign authority and conditioned to homologation by the Supreme Federal Court.

Art . 80 - A foreign citizen who acquires a nationality that is different to the registered one must, within ninety days, request the registration of the new nationality.

§1 - The registration request must be accompanied by the travel document, a certificate issued by the diplomatic or consular authority or another document granting the foreign citizen the alleged nationality and, when applicable, by proof of loss of the registered citizenship.

§2 - The registration request will follow the provisions of paragraphs 1 and 2 or article 77 and is not conditioned to an investigation regarding the foreign citizen's conduct.

§3 - The provisions of this article also apply to stateless citizens that acquire a nationality and to foreign citizens that lose the nationality included in his/her file.

CHAPTER V Update of Registry Entries

Art . 81 - Registered foreign citizens must, within thirty days, inform the Federal Police if they change address and/or location of residence.

§1 - The information may either be made in person or through the mail by registered letter and must include the name of the foreign citizen, the number of his/her identity card and the place of issue and be accompanied by proof of a new address and/or residence location.

§2 - If a foreign citizen changes his/her place of residence to another State within the Brazilian Federation the information must be provided in person to the Federal Police Department of his/her new address and/or residence location.

§3 - The Department that receives the information will, in cases related the provisions of the previous paragraph, request a copy of the respective registry and will proceed to process the entry including information on facts that preceded the registration and any posterior occurrences.

Art . 82 - The above mentioned information will be forwarded to the Federal Police Department by the organs that are the subject of articles 45 and 47 of Law 6.815 from August 19, 1980.

Art . 83 - A foreign citizen may only be employed by a public or private entity or enroll in any kind of course in an educational establishment if he/she is properly registered.

§1 - The registration receipt provided by the Federal Police Department will, for all of this article's purposes, substitute the identity documents foreseen in articles 60 and 62 for a period of up to sixty days.

§2 - The entities that are the subject of this article must forward identification data related to employment termination or employment contract extension of foreign citizens including data on the suspension, enrollment cancellation or the conclusion of an educational course.

§3 - The Federal Police Department will, when applicable, forward the information that is the subject of the previous paragraph to the Ministry of Labor's Immigration Secretariat.

Art . 84 - The data entries that are the subject of articles 82 and 83 must be filled in the respective form supplied by the Federal Police Department.

CHAPTER VI Reregistration and Cancellation

Section I Registration Cancellation

Art . 85 - The registration of a foreign citizen will be canceled by the Federal Police if he/she:

I - becomes a Brazilian citizen;

II - is subjected to an expulsion order;

III - requests to exit the national territory definitively and expressly renounces the right of return that is the subject of article 90;

IV - is absent from Brazil for a period superior to two years;

V - is the holder of a temporary or permanent visa that has been changed to an official or diplomatic visa;

VI - infringes the provisions of articles 18, 37, §2 or 99 to 101 of Law 6.815 from August 19, 1980;

VII - is a temporary resident or refugee and has reached the end of the granted period of stay in the national territory.

Art . 86 - A foreign citizen must, in cases related to item III of the previous article, submit a request that includes the documentation included in article 77 and attach the original identity document provided by the Federal Police Department.

Single paragraph - Foreign citizens will be asked to leave the national territory within thirty days if the request is deferred and the respective registration is canceled.

Art . 87 - The Federal Police Department will, when applicable, forward registration cancellations to the Ministry of Labor's Immigration Secretariat.

Section II

Reregistration

Art . 88 - A foreign citizen may be granted reregistration by the Federal Police department if:

I - the granted Brazilian citizenship is canceled or nullified and provided he/she is not the subject of an expulsion order;

II - his/her expulsion order has been revoked;

III - he/she returns to the national territory holding a temporary or permanent residence visa.

§1 - A returned foreign citizen must request his/her reregistration within thirty days counting from the date of his/her reentry into the national territory.

§2 - If the cancellation of the registration resulted in any fiscal or financial payments, according to the hypothesis that is the subject of article 85, the reregistration request must include proof of payment of the due amount(s).

§3 - A new identity card will be issued after reregistration and will include, when applicable, the date of foreign citizen's reentry into the national territory.

§4 - The identity document of a foreign citizen who returned to the national territory in order to take up residence at a location that is different from the original registration will not be issued unless a copy of the original registration is supplied for reregistration purposes.

§5 - If a foreign citizen returns to Brazil with a different name or nationality the reestablishment of the registration will only be effected after he/she complies with the provisions of articles 77 and 80.

TITLE IV EXIT AND RETURN

Art. 89 - When exiting the national territory a foreign citizen must present his/her travel document and the entry and exit card to the Federal Police Department.

Single paragraph - The Federal Police Department will stamp the foreign citizen's date of exit from the national territory on the documents that are the subject of this article.

Art. 90 - A foreign citizen registered as a permanent resident may leave Brazil, and return without a visa, provided he/she returns within a period of two years counting from the date of exit from the national territory under the protection of the provisions of the single paragraph of the previous article.

Single paragraph - If the period that is the subject of this article is exceeded the reentry as a permanent resident is conditioned to the granting of a new visa.

Art . 91 – Foreign citizens registered as temporary residents may, according to items I and IV to VII of article 22, reenter Brazil without a new visa within the period stated in his/her identity card issued by the Federal Police Department.

Art . 92 - Foreign citizens holding consular tourist or temporary visas (article 22,

II and III), may exit Brazil and return without a new visa provided they return within the period granted in the entry visas.

Art. 93 - The validity period for temporary resident visas is set by the Ministry of Foreign Affairs, may not exceed five years, and grants holders multiple entries into the Country provided holders return within a ninety day period, which can be extended for an equal time period, and total a maximum of 180 days per year. (text provided by Decree 1.455 from April 13, 1995)

Single paragraph - The validity period set by the Ministry of Foreign Affairs will follow the principle of reciprocity. (Included through Decree 1.455 from April 13, 1995)

TITLE V TRAVEL DOCUMENTS FOR FOREIGN CITIZENS

Art . 94 - The Federal Police Department may grant travel documents for foreign citizens in the following cases:

I - to stateless individuals and individuals without a defined nationality;

II - to citizens of countries that do not have any diplomatic or consular representation in Brazil, or any other country representative charged with the protection of his/her interests;

III - to foreign citizens granted asylum or refugee status by Brazil and admitted into the country as such;

IV - to spouses or widows of a Brazilian citizen who have lost their original nationality due to marriage.

§1 - The concession of a passport for foreigners is conditioned to previous consultations with:

a) the Ministry of Foreign Affairs in cases related to item II;

b) the Federal Justice Department in cases related to item III.

§2 - Brazilian consular departments abroad may grant passports to foreign citizens that fulfill the provisions of item IV.

Art . 95 - " Laissez - passer " documents may be granted in Brazil by the Federal Police Department and abroad by Brazilian diplomatic Missions or Consular Departments.

Single Paragraph - The concession of "laissez-passer" abroad to foreign citizens registered in Brazil is conditioned to previous consultations with:

I - the Federal Police Department in cases related to foreign citizens registered as permanent or temporary residents;

II - the Federal Justice Department in cases related to foreign citizens that have been granted refugee status.

TITLE VI DEPORTATION

Art . 98 - The Federal Police Department will notify foreign citizens that have entered or remained in Brazil under irregular circumstances and will ask them to leave the national territory:

I - within eight days, a period that cannot be extended, for the infringement of the provisions of articles 18, 21, §2, 24, 26, §1, 37, §2, 64, 98 a 101, §§ 1 or 2 of article 104 or articles 105 and 125, II of Law 6.815 from August 19, 1980;

II - within three days, which cannot be extended, for irregular and non-fraudulent entries into Brazil.

§1 - The Federal Police Department will demand the immediate deportation of foreign citizens that do not comply with the provisions set by this article.

§2 - Foreign citizens might be deported independently of the time periods set by clauses I and II of this article if deportation is considered to be in the national interest.

Art . 99 - The Federal Police Department will register all deportation orders and will forward a copy to the Federal Justice Department.

TITLE VII EXPULSION

Art . 100 - The procedure for the expulsion of foreign citizens from the national territory will follow the norms set by this Title.

Art . 101 - Public Ministry organs will, within thirty days after the trial, officially forward a copy of the sentence convicting a foreign citizen for a serious crime or any crime against the national security, the national economy and the public morality or health to the Ministry of Justice and attach a copy of the foreign citizen's criminal record included in the trial documentation.

Single paragraph - The ministry of Justice will, upon reception of the documents mentioned in this article, decide whether to initiate an investigation regarding the eventual expulsion of the foreign citizen.

Art . 102 - The Ministry of Justice has the authority to order, at its own initiative or due to a well founded request, the Federal Police Department to initiate investigations related to the expulsion of a foreign citizen.

Art . 103 - The inception of investigations aimed at the expulsion of a foreign citizen is preceded by an Administrative Order.

§1 - The object of expulsion will be notified regarding the inception of the investigation and will be informed, at least two week days before the set date, regarding the day and hour that has been set for his/her interrogation.

§2 - If the object of the expulsion inquiry cannot be found he/she will be serviced by two publications in the Official Gazette, which will be considered as notification for all inquiry purposes, and given at ten day deadline.

§3 - If the object of expulsion is serving a prison sentence his/her presence will be requested to the respective authority.

§4 - During the interrogation process the object of expulsion will be assessed, interrogated, identified and photographed and he/she may also nominate his/her attorney and present any proof in his/her defense.

§5 - If the object of the expulsion is not present during the inquiry he/she will be the object of indirect investigations.

§6 - A defense attorney will be appointed and the object of expulsion will no longer have the possibility to substitute him/her for an attorney of his/her choice:

I - if the object of expulsion does not appoint a defense attorney;

II - if the appointed attorney does not assume the defense of the process;

III - if the object of expulsion, notified personally or serviced by publication, does not present him/herself for the purposes of §4.

§7 - The object of expulsion and his/her attorney will, provided they have complied with the provisions of the previous paragraphs, be give access to the official process documentation in order to present the defense within six days counting from the date of access to the respective documentation.

§8 - The inquiry will, after closure, be forwarded to the Federal Justice Department within twelve days together with a conclusive report.

Art . 104 - Expulsion related investigations will be summary if based on infractions against national security, the public or social order and the public economy, as well as cases based on the commerce, possession or facilitation of undue use of narcotic substances or other substances that lead to physical or psychological dependence, or lack of compliance with special legal provisions for foreign citizens, and will not exceed fifteen days and the periods set by the previous article will be reduced by half while safeguarding the rights granted by the same article.

Art . 105 - The Federal Justice Department will, after reception of the inquiry, attach it to the respective process and forward it, together with its opinion, to the Minister of Justice who in turn will forward it to the President of the Republic, when applicable.

Art . 106 - The Ministry of Justice's Federal Police Department will forward the personal data of the expelled foreign citizen to the Consular and Legal Department of the Ministry of Foreign Affairs after the publication of the expulsion Decree.

Art . 107 - The expulsion Decree can be appealed within ten days after its publication in the Official Gazette, except if based on the provisions of article 104.

§1 - The appeal addressed to the President of the Republic will be processed by the Ministry of Justice's Federal Justice Department and will be accompanied by a report on the basic facts and legal foundations as well by the respective evidence.

§2 - The Federal Justice Department will, upon reception of the appeal request, provide its opinion regarding its relevancy and origin and forward the process to the Minister of Justice who will present it to the President of the Republic.

Art . 108 - The Federal Police Department will, whenever an expulsion is effected, register it and forward a copy to the Federal Justice Department.

Art . 109 - A foreign citizen subjected to conditional freedom at a location set by the orders of the Ministry of Justice must comply with the norms set by the Federal Police Department.

TITLE VIII EXTRADITION

Art . 110 - The Federal Police Department has the authority to, whenever ordered by the Minister of Justice:

I - imprison an extradited foreign citizen;

II - deliver him/her to the State that has been granted the extradition.

Single paragraph - The delivery of the extradited citizen will be registered and a copy must be forwarded to the Federal Justice Department.

TITLE IX RIGHTS AND DUTIES OF FOREIGN CITIZENS

Art . 111 - A foreign citizen who has been granted a temporary visa based on an employment contract may only exercise activities for the entity which contracted him/her at the time of the granting of the visa.

§1 - If the foreign citizen wishes to exercise any type of activity for an entity that is different from the one that originally contracted him/her, he/she must request the authorization of the Federal Justice Department through the presentation of a well founded request accompanied by:

I - proof of registration as a temporary resident;

II - copy of the employment contract that led to the concession of the original consular visa;

III – the express permission of the entity by which he/she was originally contracted to render services to another enterprise; and

IV - employment contract with the new entity including the employing entity's responsibility for the repatriation of the contracted foreign employee.

§2 - The Ministry of Labor's Immigration Secretariat will be consulted regarding the authorization request.

§3 - The authorization that is the subject of this article will only be granted in exceptionally well motivated cases.

Art. 112 - A foreign citizen that has entered the national territory as a permanent resident in order to perform a certain professional activity at a set region may not change his/her residence or exercise any professional activity outside of the set region within the period set at the time of the granting of the visa, or its transformation.

§1 - The provisions set by this article may only be changed in exceptional cases and may only be authorized by the Ministry of Justice's Federal Justice Department and, when applicable, after consultations with the Ministry of Labor's Immigration Secretariat.

§2 - Requests made by foreign citizens based on the previous paragraph must be accompanied by proof of the alleged motives.

Art . 113 - The Ministry of Labor's Immigration Secretariat will consider the labor market conditions prevailing at the location of the foreign citizen's residence and those of the location to where he/she intends to reside in when assessing the exceptionalness referred to in the previous articles.

Art . 114 - Registered foreign citizens are required to inform the Federal Police Department if they change their residence, according to the provisions of article 81.

Art . 115 - If a foreign citizen loses his/her nationality because he/she has become a citizen of another nation he/she must request the correction or the registration of the new nationality according to the provisions of article 80.

Art . 116 - A foreign citizen who has entered Brazil as a tourist or in transit is not allowed to take employment aboard a ship stationed at a Brazilian harbor unless the ship flies the flag of his/her country and is not on a return trip, and only if the transportation company or its agent is granted a special authorization by the Federal Police Department.

Single paragraph - Foreign citizens will not be allowed to take up employment as crew members aboard a ship if:

I - he/she is contracted to work aboard a ship that does not fly the flag of his/her country;

II - his/her contract contains a clause stating that it will be terminated while the ship is harbored at a Brazilian harbor;

III - he/she is contracted to work aboard a vessel that will make a stopover at another harbor before leaving Brazilian waters.

Art . 117 - Foreign citizens are allowed to form or partake in cultural, religious, recreational, charitable or social assistance activities, to enroll in social and sports clubs or any other entity with the same purposes as well as to participate in national celebrations and meetings or any other patriotic gatherings.

§1 - The above mentioned activities require the authorization of the Minister of Justice if they are composed by a majority of associates with foreign origin.

§2 - The authorization named in the above paragraph must be requested from the Minister of Justice through the Federal Justice Department and must contain:

I - a notarized copy of the statutes;

II - financial information;

III - name, origin, nationality, age and civil state of the administrative members and the association's form of legal and extra judicial representation;

IV - information on the location of its headquarters and on any other location used for regular meetings or for the rendering of services;

V - a list containing the names and nationalities of its members;

VI - proof of registration according to article 58 if managed by a foreign citizen or in partnership with a foreign entity;

VII - a list containing the name, headquarters, directors or other individuals responsible for the entity's newspaper, magazine or any other type of marketing activity.

§3 - The Federal Justice Department must be informed within thirty days regarding any change to the statutes or management as well as changes of headquarter or residence locations referred to in the previous paragraph.

Art . 118 - The Federal Justice Department will maintain a special registry containing information on authorized entities as well as on any posterior changes.

TITLE X NATURALIZATION

Art . 119 - A foreign citizen that wants to become a Brazilian citizen must present a petition to the Minister of Justice stating his full name, origin, nationality, affiliation, gender, civil state, date of birth, profession, places where he/she has previously resided in Brazil and abroad, if he/she fulfills that provisions of item VII of article 112 of Law 6.815 from August 1980 and whether he/she wishes to translate or adapt his/her name to the Portuguese language and attach the following documentation:

I - authenticated copy of the identity card for permanent foreign residents;

II - police certificate of continuous residence in Brazil for at least four years;

III - criminal record certificate issued by the local authorities at his/her place of residence;

IV - proof of professional employment or a qualified document which proves that he/she possesses the financial resources for his/her own and family upkeep;

V - official certificate of physical and mental health;

VI - certificates that prove, when applicable, the provisions included in article 113 of Law 6.815 from August 19, 1980;

VII - negative Income Tax certificate unless the applicant fulfills the conditions foreseen in lines "b" and "c" of §2 of this article.

§1 - If the identity card does not provide all required data the applicant must complete his/her petition with a corresponding official document.

§2 - The requirements stated in item IV will be considered as fulfilled if:

a - the petitioner receives a retirement pension;

b - the petitioner is a student, is under 25 years of age and resides with his parents, siblings or his/her tutor;

c - if the petitioner is married to a Brazilian citizen or if his/her means of subsistence are provided by his/her ascendants or descendants who possess sufficient resources for his/her legal right to nourishment.

§3 - Naturalization will not be denied if the petitioner has, within the four year continuous residence requirement, has traveled abroad for relevant reasons at the criteria of the Minister of Justice and if the periods of absence do not amount to more than eighteen months.

§4 - A foreign citizen may apply for naturalization after a period of stay in Brazil of thirty days, and is exempted from the four year residence requirement, if:

a) he/she has been married to a Brazilian active diplomat for more than five years;

b) he/she is a foreign citizen employed by a Brazilian Diplomatic Mission or consular Department for an uninterrupted period of more than ten years.

§5 - Naturalization petitioners that have resided in Brazil for more than two years are not required to fulfill the provisions of item V of this article.

§6 - Portuguese citizens are not required to fulfill the provisions of item IV of this article and are only required a period of one year of uninterrupted residence in order to fulfill the provisions of item II.

§7 - The petition for naturalization must be signed by the petitioner, however, if the petitioner is a Portuguese citizen it may be signed by proxy with special powers of representation.

Art . 120 - A foreign citizen who entered Brazil before completing five years of age and who has taken up permanent residence in the national territory may request his/her naturalization up to two years after reaching adulthood through a petition accompanied by the following:

I - identity card for permanent foreign residents;

II - continuous residency certificate in Brazil since his/her entry issued by the police authorities; and

III - criminal record certificate issued by the respective local authority at his/her location of residence in Brazil.

Art . 121 - A foreign citizen who entered Brazil before completing five years of age and who has taken up permanent residence in the national territory may, while still a minor, request a provisional naturalization certificate through his/her legal representative accompanied by the following documents:

I - proof of the date he/she entered the national territory;

II - proof of permanent residence;

III - birth certificate or equivalent document;

IV - proof of nationality;

V - criminal record certificate issued by the respective local authority at his/her location of residence in Brazil if he/she is over eighteen years of age.

Art . 122 - Individuals naturalized according to the provisions of the previous paragraph must reiterate their wish to continue to be Brazilian within two years after attaining adulthood through a petition addressed to the Minister of Justice accompanied by the following documents:

I - authenticated copy of the identity card; and

II - the original of the provisional naturalization certificate.

Art . 123 - Minor foreign citizens that enter and reside in Brazil in order to attend a national educational establishment and complete a superior degree may, up to one year after graduation, request Brazilian citizenship through a petition accompanied by the following documents:

I - identity card for permanent foreign residents;

II - continuous residency certificate in Brazil since his/her entry issued by the police authorities; and

III - criminal record certificate issued by the respective local authority at his/her location of residence in Brazil.

Art . 124 - Foreign citizens that are the subject of lines "a" and "b" of §4 of article 119 must attach the following documentation to their naturalization petition:

I - proof of marriage duly authorized by the Brazilian Government, in cases related to line "a";

II - documentation supplied by the Ministry of Foreign Affairs that recommends the naturalization and proves that the petitioner is employed by the Ministry and has been at its service for more than ten uninterrupted years, in cases related to line "b";

III - furthermore, in both cases, if the petitioner resides in a foreign country:

a) authenticated copy of the identity or translated by an authorized translator if in a foreign language;

b) document proving his/her stay in Brazil for more than thirty days;

c) physical and mental health certificate issued by a doctor, credited by the Brazilian consular authority if the health examination cannot be performed in Brazil;

d) three sets of dactyloscopic fingerprints issued by the competent authorities at his/her location of residence if the foreign citizen is not registered in Brazil or cannot present proof that he/she has been previously registered as a foreign resident in Brazil.

Single paragraph - The authorization named in item I will not be required if the marriage took place before the Brazilian spouse initiated his/her diplomatic career.

Art . 125 - The petition addressed to the Minister of Justice that is the subject of articles 119, 120, 122 and 123 must be presented to the local organ of the Federal Police Department.

§1 - A petition based on the provisions of article 121 may be submitted directly to the Federal Justice Department and is exempted from the obligation set by §3 of this article.

§2 - A petition based on the provisions of article 124 can be submitted to the Brazilian consular authority which will forward it, through the Ministry of Foreign Affairs, to the Federal Justice Department.

§3 - The Federal Police Department will, while processing the petition, undertake the following:

I - forward the petitioners fingerprints to the National Identification Institute and request the respective criminal record;

II – investigate the petitioner's social conduct;

III - provide an opinion regarding the naturalization petition;

IV - issue a certificate that the petitioner can read and write in the Portuguese language;

V - attach an investigation report, filled in its respective form, to the process.

§4 - The request that is the subject of item I must be fulfilled within thirty days.

§5 - The process, with or without the criminal record, must be completed within ninety days and forwarded to the Federal Police Department, lack of compliance with this deadline period may lead to an investigation of the public servant that is responsible for the delay.

Art . 126 - The General Director of the Federal Justice Department will, once the process is received, decide if the process should be filed if the petitioner does not fulfill, according to each case, any of the conditions foreseen in articles 112 and 116 of Law 6.815 from August 19, 1980.

§1 - The decision to file the process can be appealed within thirty days counting from the date of its publication in the "Official Gazette".

§2 - If the decision to file the process is upheld the petitioner may appeal to the Minister of Justice within the same deadline period set by the previous paragraph.

Art . 127 - The General Director of the Federal Justice Department may order further diligence if the process does not concur with the hypothesis foreseen in the previous paragraph or when the petition has been appealed and a final decision regarding naturalization has not been reached.

§1 - The Federal Justice Department will inform the naturalization petitioner

regarding the demands he/she must fulfill and the respective deadline for their presentation.

§2 - If the naturalization petitioner does not fulfill the demands within the set period, or cannot justify their omission, the petition will be filed and can only be renewed if the petitioner complies with all of the demands specified by article 119.

§3 - If further diligence is not requested from the petitioner, the organ from which it is requested must comply within thirty days and lack of compliance with this deadline may lead to an investigation regarding the respective public servant's responsibility.

Art . 128 - The Federal Justice Department will issue a naturalization certificate after the publication in the Official Gazette of the Naturalization Administrative Order.

§1 - The certificate will be forwarded to the Federal Judge of the petitioner's city of residence and will be delivered to the naturalizing citizen during a solemn audience, private or collective, during which the Magistrate will speak about the significance of the act and the duties and rights it represents.

§2 - The delivery of the certificate will be performed by the First Court Judge in locations with more than one federal judge.

§3 - If the city where the naturalizing citizen resides does not have the representation of a federal judge the delivery of the nationality certificate will be performed by the district judge or, if not available, by the judge of the nearest district.

§4 - The petitioner may request the delivery of the naturalization certificate by the judge of another location if he/she has changed address during the ongoing petition process.

Art . 129 - The delivery of the certificate will be registered in the audience book and will be signed by both the judge and the naturalized citizen who must:

I – prove that he/she understands the Portuguese language, according to his/her situation, by reading excerpts of the Brazilian Constitution;

II – declare that he/she renounces his/her previous nationality;

III – declare that he/she will comply with the duties of Brazilian citizenship.

§1 - Portuguese citizens are not required to comply with the provisions of item I of this article.

§2 - The certificate will contain both the date of the naturalization and that the act is registered in its respective form.

§3 1 - The judge will inform the date of the certificate's delivery to the Federal Justice Department.

§4 - The Federal Justice Department will inform the institution charged with military recruitment and the Federal Police Department regarding all granted naturalizations and request the registration of the delivery of the respective certificates in respective files.

Art . 130 - In cases related to articles 121 and 122 the naturalization certificate will, if applicable, be delivered to the petitioner or to his/her legal attorney, through the signing of a receipt, by the Federal Police Department or regional organs of the Federal Police Department,

Art . 131 - In cases related to article 124 the delivery of the naturalization certificate may be performed by the Head of the Diplomatic Mission or of the Brazilian consular department in the country where the petitioner resides and according to the formalities set by the previous article.

Art . 132 - The naturalization will be considered void if the petitioner does not request the delivery of the certificate within twelve months counting from the date of its publication and cannot present proof of force majeure to the Minister of Justice.

Single paragraph - If the petitioner does not comply with the deadline set by this article the certificate will be returned to the General Director of the Federal Justice Department and will be filed in the respective registry together with information regarding the respective circumstances.

Art . 133 - The process initiated by the naturalization petition will be closed by the solemn delivery of the certificate according to the provisions of articles 129 to 131.

§1 - Any citizen may protest against a naturalization process through the presentation of well founded information.

§2 - The protest must be in writing, addressed to the Minister of Justice and will result in the process's suspension until it is completely investigated.

Art . 134 - The delivery of the naturalization certificate will be suspended if federal or state authorities verify changes that alter the basic conditions for the concession of the naturalization.

TITLE XI INFRACTION EVALUATION PROCESS

Art . 135 - The infractions foreseen in article 125 of Law 6.815 from August 19, 1980 will be evaluated through an administrative process based on the respective infraction act and will be punished by the application of fines.

Art . 136 - The agent of the organ charged with the implementation of these Regulations is authorized to register the infraction act.

§1 - The infraction act must relate, circumstantially, the infraction and its implications.

§2 - The infraction act will, after being signed by the registering agent, be submitted to and signed by the author of the infraction or by his/her legal attorney present during the registration process.

§3 - The registration will contain a specific note If the author of the infraction or his/her legal attorney cannot or will not sign the infraction act.

Art . 137 - The author of the infraction will, after the registration of the infraction act, be requested to present his/her written defense within five work days counting from the date of notification.

Single paragraph - The process will be judged at the end of the deadline, with or without the presentation of a defense, and the author of the infraction will be notified regarding the judge's decision.

Art . 138 - When punished, the author of the infraction may appeal to the immediately superior instance, within five work days counting from the date of notification.

§1 - The appeal will only be accepted if its author deposits the value of the fine, bond or equivalent guarantee.

§2 - The appeal process will be forwarded to the immediately superior instance within three work days once the appeal has been received and the appealing party has provided all infraction related information.

§3 - The process will be returned within three work days to the original department and:

I - demand the restitution of the deposited amount, bond or equivalent guarantee if the appeal was deferred;

II - authorize the collection of the fine payable to the National Treasury if the appeal has been denied.

Art . 139 - If the punishment is not appealed or is not granted appeal, the process will be forwarded to the National Revenue Attorney's Office which will register and collect the debt.

Art . 140 - The exit of the author of the infraction from the national territory will not interrupt the process's course.

Art . 141 - If the Ministry of Labor verifies the employment of an irregular foreign citizen, or of a foreign citizen that is not allowed to exercise remunerated activities, it will forward the fact to the Ministry of Justice's Federal Police Department which will undertake the necessary measures.

TITLE XII THE NATIONAL IMMIGRATION COUNCIL

Art . 142 - The National Immigration Council is a collective deliberation organ and is headquartered in the Federal Capital.

Art . 143 -the National Immigration Council is composed by one representative from the Ministry of Labor, who will preside it, and one representative each from the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Agriculture, the Ministry of Health, the Ministry of Industry and Trade, the National Council for Scientific and Technological Development, all appointed by the President of the Republic through the respective State Ministers.

Single paragraph - The General Secretariat of the National Security Council will keep an observer in the National Immigration Council.

Art . 144 - It is the responsibility to the National Immigration Council to:

I - direct and coordinate immigration related actions;

II - formulate the objectives of immigration policies;

III - establish norms for the immigrant selection aimed at attracting specialized workmanship to the various sectors of the national economy and resources for specific sectors;

IV - promote or foment the study of immigration related problems;

V - define the regions specified by article 18 of Law 6.815 from August 19, 1980 and create the respective immigration plans;

VI - periodically evaluate the need of qualified foreign workmanship that can be granted temporary or permanent residency;

VII - settle doubts and present solutions for omitted cases, related to immigrant admission;

VIII - provide opinions related to the alteration of immigration related legislation proposed by federal organs;

IX - create internal Regulations and submit the to the aproval of the Minister of Labor.

Single paragraph - The National Immigration Council's deliberations will follow the provisions set by Resolutions.

Art . 145 - This Decree enters into effect on the date of its publication.

Brasilia, December 10, 1981; 160th year of Independence and 93rd year of the Republic.

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