

## LAW 6.815, FROM AUGUST 19, 1980

*Defines the legal condition of foreign citizens in Brazil and creates the National Immigration Council.*

THIS LAW HAS BEEN RE-PUBLISHED ACCORDING TO THE PROVISIONS OF ART. 11 OF LAW 6.964, FROM DECEMBER 9, 1981.

**THE PRESIDENT OF THE REPUBLIC**, I hereby proclaim and sanction the following law decreed by the National Congress:

**Art. 1** All foreign citizens have the right, under peacetime, to enter, remain and exit Brazil as long as they fulfill the provisions of this Law and do not present any threat to national interests.

### TITLE 1

#### The application

**Art. 2** The application of this law is conditioned to the safeguarding of Brazilian national security, institutional order, political, socio-economic and cultural interests as well as the safeguarding of national labor interests.

**Art. 3** The granting of visas, their eventual extension or transformation will at all times be conditioned to national interests.

### TITLE 2

#### Admission, Entry and Refusal

#### CHAPTER 1

#### Admission

**Art. 4** Foreigners that intend to enter Brazil can be granted the following types of visa:

I - transit;

II - tourist;

III - temporary;

IV - permanent;

V - courtesy;

VI - official; and

VII - diplomatic.

Single paragraph. Visas are personal and may include legal family dependents, while observing the provisions of art. 7.

**Art. 5** The requirements for the concession of visas according to this Law will be set through regulations.

**Art. 6** The possession of real estate or other property/goods in Brazil does not entitle foreigners to the concession of any type of visas and does not grant any right of permanence within the Brazilian territory.

**Art. 7** Visas will not be granted to foreign citizens:

I - who are under 18 (eighteen) years of age and are not accompanied by their legal guardians or without their express authorization;

II - who are considered a threat to the public order or to national interests;

III - who have previously been deported from Brazil, except when the deportation orders were revoked;

IV - who has been sentenced or sued in another country for serious crimes that are regarded by Brazilian law as a legal ground for extradition;

V - who do not fulfill the health prerequisites established by the Ministry of Health;

**Art. 8** Transit visas can be granted to foreigners that need to enter Brazil in order to reach another country of destination.

§ 1 Transit visas are valid for one entry and for a period of up to 10 (ten) days and cannot be extended.

§ 2 A transit visa is not required for foreign citizens that are on a continuous voyage that is only interrupted by the obligatory stops of the used transportation mode.

**Art. 9** Tourist visas can be granted to foreign citizens that intend to enter Brazil for recreational purposes and who do not intend to immigrate or undertake any form of remunerated activity.

**Art. 10.** The visa that is the subject of the previous article may not be necessary for citizens of countries that do not demand tourist visas from Brazilian citizens (reciprocity principle).

Single paragraph. The reciprocity principle foreseen in this article is always established through international agreements which provide the basis for the period of stay for foreign tourists established by this Law.

**Art. 11.** The firm responsible for the transportation must, during embarkation in a foreign country, check if the foreign citizen holds the necessary entry documentation and is responsible, in case of irregularities verified during entry, for the exit of the

foreigner from Brazil, without any prejudice to the provisions of art. 125, subsection VI.

**Art. 12.** A tourist visa can be valid for up to 5 (five) years, is set by the Ministry of Foreign Affairs according to the reciprocity principle, and entitles the foreign citizen to multiple entries for a maximum period of ninety days, which can be extended for an equal period and a maximum of one hundred and eighty days per year. ([Text provided by Law 9.076, from July 10, 1995](#))

**Art. 13.** A temporary visa can be granted to foreign citizens that intend to travel to Brazil:

I - for cultural or educational purposes;

II - for business purposes;

III - as artists or athletes;

IV - as students;

V - as scientists, professors, technicians or other professionals that enter Brazil in order to honor a contract/service with the Brazilian Government;

VI - as correspondents of a foreign newspaper, magazine, radio, television or news agency.

VII - as religious ministers or members of a religious institute, congregation or religious order. (Included by Law 6.964 from December 9, 1981)

**Art. 14.** The period of stay in Brazil, in cases related to clauses II and III of art. 13, is up to ninety days; up to one year for cases under clause VII; and for the period of activity, contract, service, submitted to and approved by the respective consular authority while taking into consideration the provisions set by legal labor legislation, except for cases foreseen in the single paragraph of this article. (text provided by Law 6.964 from December 9, 1981)

Single paragraph. The period of stay for cases under clause IV of article 13 is 1 (one) year and can be extended, when applicable, through the presentation of proof of enrollment and educational improvement.

**Art. 15.** Foreign citizens included in clause III or V of article 13 will only be granted visas if they can fulfill the particular requirements established by the National Immigration Council and possess a labor contract approved by the Labor Ministry, except when at the service of the Brazilian Government.

**Art. 16.** Permanent residence visas may be granted to foreign citizens that intend to settle in Brazil.

Single paragraph. The main objective of immigration is to provide the different sectors of the national economy with specialized workmanship, considering all aspects of the National Development Policy and in particular the increase of productivity, the assimilation of technology and the collection of resources for specific sectors. (Text provided by Law 6.964 from December 9, 1981)

**Art. 17.** In order to be granted a permanent residence visa foreign citizens must not only fulfill the requirements established by art. 5 but also the special demands established by the National immigration Council for immigrant selection.

**Art. 18.** The concession of a permanent residence visa may be conditioned to the exercise of a certain activity at a given region of the Brazilian territory for a period of up to 5 (five) years.

**Art. 19.** Concession and extension diplomatic, official and courtesy visas are the competence of the Ministry of Foreign Affairs.

**Art. 20.** Consular fees will be collected for the concession of visas, except when the foreign citizen is:

I - eligible for a free visa according to specific agreements;

II - granted a courtesy, diplomatic or official visa;

III - the holder of diplomatic or service passport in need of a transit, tourist or temporary visa.

Single paragraph. Any type of entry visa must be used within 90 (ninety) days counting from the date of its concession and can be extended one single time by the respective consular authority for an equal period time after payment of consular fees. This requirement applies only to citizens of countries with limited reciprocity. (Text provided by Law 612.134 from 2009).

**Art. 21.** Citizens of neighboring countries residing in towns that border the Brazilian national territory may be granted entry into his/her country's adjacent Brazilian municipalities through the presentation of identity cards and conditioned to the safeguarding of national security.

§1 Foreign citizens included in this article who intend to exercise a remunerated activity or attend an educational establishment in a Brazilian border municipality will be provided with a special identity document that specifies his/her condition and, furthermore and when applicable, a Labor and Social Security Card.

§2 The documents mentioned in the above paragraph do not entitle the holder to reside in Brazil and are not valid outside the territory of the respective municipalities.

## CHAPTER II Entry

**Art. 22.** Foreign citizens can only enter Brazil through locations where the competent organs of the Ministries of Health and Justice and the Internal Revenue Service can conduct regular inspections.

**Art. 23.** The carrier or its agent will, at all times, be held responsible for the upkeep and other expenses incurred by a passenger on a continuous voyage, or crew member, who are not present when the carrier leaves Brazil and is also responsible for their removal from the national territory.

**Art. 24.** A foreign citizen is not allowed to leave the entry and inspection location before his/her travel document and entry card have been checked by the competent organ of the Ministry of Justice (Text provided by Law 6.964 from December 9, 1981)

**Art. 25.** A foreign citizen's travel ticket cannot be refunded in Brazil without the authorization of the Ministry of Justice if he/she entered the national territory as a

tourist or in transit.

### CHAPTER III Refusal

**Art. 26.** A visa granted by consular authorities does not entitle the holder to the right to enter Brazil and the entry and registration of a foreign citizen may be refused if he/she does not fulfill any of the provisions of art. 7 or if his/her presence in the national territory is deemed inconvenient by the Ministry of Justice.

§ 1 A foreign citizen that leaves Brazil without paying the fine set by this Law will not be allowed to re-enter the country before he/she pays the fine and any applicable monetary correction.

§ 2 The entry refusal of any family member may imply the refusal of entry for all family members.

**Art. 27.** The carrier is, at all times, responsible for the removal of any clandestine or refused foreign citizens.

Single paragraph. If the immediate exit of a clandestine or refused foreign citizen is not a viable possibility the Ministry of Justice may allow entry provided the carrier provides a document signed by its legal representative stating it will take full responsibility for the foreign citizen's upkeep and stating the location where she/he will live during a period that cannot be superior to 30 (thirty) days which can be extended for an equal period of time.

### TITLE III Refugees

**Art. 28.** Foreign citizens that are granted entry into Brazil as political refugees must comply not only with the obligations imposed by International Law but also with all provisions of current legislation and any other provisions established by the Brazilian Government.

**Art. 29.** A refugee cannot leave Brazil without the previous authorization of the Brazilian Government.

Single paragraph. A refugee that does not comply with the provisions of this article will be stripped of his/her refugee status and will not be allowed to re-enter the country as a refugee.

### TITLE IV Registration and Alterations

#### CHAPTER I Registration

**Art. 30.** A foreign citizen who has been granted entry into Brazil as a permanent resident, temporary resident (clauses I and IV to VI of art. 13) or as a political refugee must register with the Ministry of Justice within thirty days after the date of entry or concession of asylum and undergo identification by the dactiloscopic (fingerprinting) system according to current regulations. (Text provided by Law 6.964 from December 9, 1981)

**Art. 31.** The name and nationality of the foreign citizen will be registered

according to the name and nationality stated in his/her travel document.

**Art. 32.** Holders of diplomatic, official and courtesy visas accredited by the Brazilian Government and who intend to stay in Brazil for a period that is superior to 90 (ninety) days must register their stay with the Ministry of Foreign Affairs.

Single paragraph. A foreign citizen who has entered Brazil under the protection of a visa exemption agreement and holding a service, official or diplomatic passport, must also undergo the registration mentioned in this article if his/her stay in Brazil exceeds 90 (ninety) days.

**Art. 33.** Registered foreign citizens will be provided with a Brazilian identity document.

Single paragraph. Foreign citizens must pay for identity documents, except those issued to refugees or holders of courtesy, official or diplomatic visas, according to the Table that is the subject of art. 130.

## CHAPTER II Visa Extension

**Art. 34.** Foreign citizens who have entered Brazil as tourists, refugees, temporarily or as holders of courtesy, official or diplomatic visas may apply for an extension of their period of stay in Brazil.

**Art. 35.** The extension of tourist visas cannot be superior to 90 (ninety) days and may, at any time, be canceled by the Ministry of Justice.

**Art. 36.** Temporary residents that are the subject of clause VII of art. 13 cannot extend their stay for a period that is superior to one year.

## CHAPTER III Visa Change

**Art. 37.** Holders of visas issued under the protection of art. 13, clauses V and VII, may change their visas to permanent resident visas (art. 16) provided they fulfill the conditions foreseen by this Law and its Regulations. (Renumbered and altered by Law 6.964 from December 9, 1981)

§ 1. Holders of temporary visas cannot change their visa before they have resided in Brazil for a minimum period of two years. (Included by Law 6.964 from December 9, 1981)

§ 2. Visa changes may be conditioned to the provisions sated in art. 18 of this Law. (Included by Law 6.964 from December 9, 1981)

**Art. 38.** Clandestine and irregular foreign citizens cannot apply for the legalization of their stay and holders of transit, tourist, temporary (art. 13 clauses I to IV and VI) and courtesy visas are not allowed to apply to change their visas into permanent resident visas. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 39.** Holders of diplomatic or official visas may apply to change their visas to temporary (art. 13, clauses I to VI) or permanent resident visas (art. 16) conditioned to the approval of the Ministry of Foreign Affairs and to the fulfillment of the requirements provisioned by this Law and its Regulations. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The change of an official or diplomatic visa into a permanent or temporary residence visa implies the cessation of all prerogatives, privileges and immunities granted by the original visas.

**Art. 40.** The application for a visa change does not imply exemption from the provisions of article 57 if the foreign citizen has exceeded the legal period of his stay in the national territory. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The denial to grant a visa exchange may be appealed by following the model defined by Regulations.

**Art. 41.** The visa changes granted under the protection of articles 37 and 39 will be annulled if the holder does not register with the respective authority within 90 (ninety) days, counting from the date of publication of the visa concession in the Official Gazette. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 42.** The holder of any of the types of visas issued under the protection of articles 8, 9, 10, 13 and 16 may change their visas into official or diplomatic visas. (Renumbered by Law 6.964 from December 9, 1981)

#### CHAPTER IV Change of Personal Data

**Art. 43.** The registered (art. 30) name of a foreign citizen may be changed, if: (Renumbered by Law 6.964 from December 9, 1981)

I - it is proved erroneous;

II - if it can be considered as pejorative or exposes the foreign citizen to ridicule;  
or

III - if it is very difficult to pronounce and understand and can be adapted to the Portuguese language.

§1 Requests for name changes must be accompanied by the documentation required by Regulations and will at all times be subjected to an assessment of the foreign citizen's behavioral record.

§2 Errors will be corrected through written notice.

§3 Changes to personal data due to separation or divorce in a foreign country are conditioned to the official approval of its legality in Brazil.

§4 The abbreviated name of a foreign citizen may be included in the registry and used as a registered commercial signature or in any other professional activity.

**Art. 44.** The Ministry of Justice is the only instance with the competence to authorize registry changes to foreign citizens. (Renumbered by Law 6.964 from December 9, 1981)

#### CHAPTER V Registry Update

**Art. 45.** The Trade Board will, whenever a foreigner registers an enterprise, forward to the Ministry of Justice the foreign citizen's identification data as well as that

included in his/her identification card. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The above provision is mandatory if the foreign citizen is named as the administrator, manager, director or main shareholder of a limited liability business corporation. (Included by Law 6.964 from December 9, 1981)

**Art. 46.** Civil Registration Public Notaries will forward, on a monthly basis, a copy of all marriages and obituaries of registered foreign citizens. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 47.** Hotels, real estate enterprises, real estate owners, home/building renting or sub-renting agents and building trustees must, whenever requested, provide the Ministry of Justice with the identification data foreign citizens that are their guests, tenants, sub-tenants or residents. (Renumbered and altered by Law 6.964 from December 9, 1981)

**Art. 48.** The employment of a foreign citizen by a public or private entity or his/her enrollment in any educational institution will only be allowed if the foreign citizen has been previously registered (art. 30), except for foreign citizens under the protection of §1 of article 21. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. All entities that are the subject of this article must continuously forward the identification data of enrolled or employed foreign citizens as well as information regarding their employment termination, extension or dismissal, or the course's conclusion, suspension or enrollment cancellation to the Ministry of Justice which will, when applicable, forward it to the Ministry of Labor.

## CHAPTER VI Registration Cancellation and Reinstatement

**Art. 49.** A foreign citizen's registration will be canceled: (Renumbered by Law 6.964 from December 9, 1981)

I - if he/she becomes a naturalized Brazilian citizen;

II - if he/she has been expelled from Brazil;

III - if he/she requests to exit Brazil permanently and expressly renounces his/her right to return according to the provisions of article 51;

IV - if he/she is absent from Brazil for a period that is superior to the period stipulated by article 51;

V - if he/she is granted a visa change according to the provisions of article 42;

VI - if he/she violates the provisions of art. 18, article 37, §2, or 99 to 101; and

VII - at the end of his/her stay in Brazil if he/she was granted entry on a temporary basis or as a refugee.

§1 Registration may be reinstated in cases related to clause I or II, if the cancellation is rescinded, and in in cases related to the foreign citizen's return to Brazil holding a visa granted through article 13 or 16 or if he/she has been granted a visa



change under the protection of article 39.

§2 A foreign citizen must, in cases related to clause III of this article, return his/her identity card for foreigners and leave Brazil within 30 (thirty) days.

§3 Requests for registration reinstatement in cases that are the subject of clause III of this article, and result in fiscal or financial payment exemption, must comply with all other related requirements.

#### TITLE V Exit and Return

**Art. 50.** A foreign citizen leaving Brazil is not required to present an exit visa. (Renumbered by Law 6.964 from December 9, 1981)

§1 The Ministry of Justice may, at any time, demand an exit visa in order to safeguard national security.

§2 The exit document, that is the subject of the previous paragraph, will include the validity period and the conditions under which it was granted.

§3 Refugees must comply with the provisions of article 29.

**Art. 51.** A foreign citizen registered as a permanent resident may, disrespect of his/her visa, enter Brazil after an absence period of maximum two years. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. For the purposes of this article, proof of the exit date consists of the stamp/annotation in the foreign citizen's travel document made by the competent organ of the Ministry of Justice at the time of the foreign citizen's exit from the national territory.

**Art. 52.** A foreign citizen registered as a temporary resident may return to Brazil without the need to present a new visa provided he/she returns within the period of validity for his/her stay in the national territory. (Renumbered by Law 6.964 from December 9, 1981)

#### TITLE VI Travel Documents for Foreign Citizens

**Art. 54.** Passports for foreigners and laissez-passer are considered valid travel documents. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The travel documents that are the subject of this paragraph are the property of the Federation and holders are granted their possession and regular use.

**Art. 55.** A passport may be granted to a foreign citizen: (Renumbered by Law 6.964 from December 9, 1981)

I - in Brazil

a) to stateless foreigners and individuals with undefined nationality;

b) to citizens of countries without neither diplomatic or consular representation in Brazil or any other country that is responsible for his/her protection;

c) foreign citizens that have been granted asylum or refugee status in Brazil.

II - in Brazil and abroad, to spouses or widows of Brazilian citizens that have lost their original nationality in virtue of their marriage.

Single paragraph. The concession of a passport in cases related to point b, of clause I of this article is conditioned to previous consultations with the Ministry of Foreign Affairs.

**Art. 56.** Laissez-passer documents may be granted to a foreign citizen, in Brazil or abroad, holding a travel document that is not valid for Brazil or was issued by a government that is not recognized by the Brazilian Government. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The concession of laissez-passer in a foreign country to a foreign citizen registered in Brazil as a permanent or temporary resident is conditioned to previous consultations with the Ministry of Justice.

## TITLE VII Deportation

**Art. 57.** Deportation proceedings will be initiated if a foreign citizen enters or remains in Brazil illegally and does not voluntarily leave Brazil within the period stipulated by Regulations. (Renumbered by Law 6.964 from December 9, 1981)

§1 Foreign citizens that do not comply with articles 21, §2, 24, 37, §2, 98 to 101, §§1 or 2 of article 104 or article 105 will be subjected to deportation.

§2 Deportation will, if convenient to national interests, be effected independently of the established period that is the subject of the heading of this article.

**Art. 58.** Deportation consists of the forced removal of a foreign citizen from Brazil. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The foreign citizen's deportation destination is either the country of his/her nationality, the last visited country or to a country that agrees to receive him/her.

**Art. 59.** The National treasury will cover the foreign citizen's deportation costs in cases when the transportation company is not responsible or in cases when the subject of deportation, or a third party, cannot cover his/her deportation costs. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 60.** A foreign citizen may be exempted from any punishment related to his/her illegal entry or stay in Brazil if its enforcement presents an hindrance for his/her deportation. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 61.** A foreign citizen may, while awaiting deportation, be imprisoned by order of the Ministry of Justice for a maximum period of sixty days. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. In cases when it is not possible to determine the nationality or of the deportee, or provide him/her with travel documents within the period set by this article, imprisonment may be extended for an equal period of time, at the end of which he/she will be set free according to the provisions of article 73.

**Art. 62.** A foreign citizen may be expelled from Brazil whenever his/her deportation cannot be carried out or if he/she is deemed to be dangerous or non-desirable according to existing circumstantial evidence. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 63.** Deportations that represent a de facto extradition that is forbidden by Brazilian law will not be enforced. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 64.** A deported individual will only be allowed to re-enter Brazil if he/she reimburses the National Treasury with the costs of his/her deportation, after currency corrections, and if applicable, after the payment of the monetarily corrected fine that was due at the time of deportation. (Renumbered by Law 6.964 from December 9, 1981)

## TITLE VIII Expulsion

**Art. 65.** A foreign citizen may be expelled from Brazil if he/she poses any kind of threat to national security, political and social order, public order and public morality as well as the national economy and if his/her actions present a threat to national convenience and interests. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. A foreign citizen may be expelled from Brazil if:

- a) he/she engages in fraudulent practices in order to enter or reside in Brazil;
- b) he/she infringed any law while entering the national territory and does not exit Brazil within the period set by the authorities, when deportation is not advisable;
- c) he/she practices vagrancy or becomes a beggar.
- d) she/she does not respect the special laws for foreign citizens in Brazil.

**Art. 66.** It is the exclusive competence of the President of the Republic to order or revoke all expulsions of foreign citizens from Brazil. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. Expulsion orders, or their revocation, will be effected through decrees.

**Art. 67.** A foreign citizen may be expelled from Brazil even if he/she is the object of legal proceedings or has been sentenced by a court of law. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 68.** Public Ministry departments must, up to thirty days after the passing of judgment, officially forward to the Ministry of Justice a copy of the sentence passed against a foreign citizen that has committed a serious crime or any other crime against national security, social or political order, national economy, public health and/or moral, and include a copy of the foreign citizen's criminal record. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The Ministry of Justice will, after receiving the documents mentioned in this article, decide whether it will initiate an investigation that may lead to the expulsion of the foreign citizen.

**Art. 69.** The Minister of Justice may at any time order the imprisonment of a

foreign citizen for a period of up to 90 (ninety) days, and extend it by an equal period of time, by if he/she is the object of expulsion proceedings or in order to safeguard the conclusion of the investigation or the enactment of the expulsion order. (Renumbered by Law 6.964 from December 9, 1081)

Single paragraph. When an expulsion order is appealed and becomes the object of a legal proceeding that leads to the consequent provisional suspension of the foreign citizen's expulsion, the period of imprisonment that is the object of the final part of the heading of this article will be discontinued until a final and definitive decision is reached by the Court.

**Art. 70.** It is the competence of the Minister of Justice to decide on the inception of a foreign citizen's expulsion investigation at his/her own official initiative or due to a well founded solicitation. (Renumbered by Law 6.964 from December 9, 1081)

**Art. 71.** Investigations will be summary and will not exceed fifteen days in cases related to infractions committed against national security, political or social order and the national economy as well as cases related to the trafficking, possession or facilitation of the use of stupefying substances that may lead to physical or psychic dependency, or the disrespect of prohibitions set by particular laws for foreign citizens,, while safeguarding the foreign citizen's right to a legal defense. (Renumbered by Law 6.964 from December 9, 1081)

**Art. 72.** Appeals for the reconsideration of expulsion orders for a foreign citizen must be submitted within 10 (ten) days counting from the date of publication of the expulsion decree in the Official Gazette, excluding the hypothesis foreseen in the above article. (Renumbered by Law 6.964 from December 9, 1081)

**Art. 73.** A foreign citizen whose imprisonment is not deemed necessary or has expired will be kept under surveillance at a location designated by the Ministry of Justice and must comply with specific norms of conduct. (Renumbered by Law 6.964 from December 9, 1081)

Single paragraph. The ministry of Justice may at any time decide to place a foreign citizen under imprisonment for a maximum period of 90 (ninety) days if he/she does not comply with any of norms established by the provisions of this or the following article.

**Art. 74.** The Ministry of Justice may, at its own initiative or following a request, change the norms of conduct imposed on a foreign citizen and/or designate a different residence location. (Renumbered by Law 6.964 from December 9, 1081)

**Art. 75.** A foreign citizen will not be expelled: (Renumbered and altered by Law 6.964 from December 9, 1081)

I - if regarded as a forbidden extradition by Brazilian law; or (Including clauses, lines and paragraphs of Law 6.964 from December 12, 1981)

II - when the foreign citizen is:

a) married to a Brazilian citizen for a minimum period of 5 (five) years and is not, de facto or legally, divorced or separated; or

b) is the dependent son/daughter of a Brazilian citizen and under parental guardianship..

§1. the adoption of a child or the acknowledgment of parenthood do not constitute an hindrances for expulsion if effected after the decree of expulsion.

§2. the expulsion order may be effected at any time if the foreign citizen abandons his/her child or if he/she, de facto or legally, divorces or separates from his/her wife/husband.

## TITLE IX Extradition

**Art. 76.** Extradition may be granted when the requesting Government bases its request on an existing extradition treaty with Brazil or when it grants Brazil the principle of reciprocity. (Renumbered and altered by Law 6.964 from December 9, 1081)

**Art. 77.** Extradition will not be granted, if: (Renumbered by Law 6.964 from December 9, 1081)

I - the subject of extradition is a Brazilian citizen, excluding cases when the extradition was ordered before the foreign citizen's Brazilian naturalization:

II - the extradition request is motivated by an occurrence that is not considered a crime in Brazil, or in the requesting country;

III - Brazilian law enforcement has the competence judge the crime subscribed to the subject of the extradition request;

IV - Brazilian law does not consider the crime to be punishable with imprisonment for a period equal or inferior to 1 (one) year;

V - the subject of extradition is the object of a legal proceeding or process or has already been convicted or absolved in Brazil for the same crime upon which the extradition request is based;

VI - the committed crime is prescribed according to Brazilian law or the law of the requesting country;

VII - the extradition request is based on a political crime; and

VIII - the object of extradition must answer, in the requesting state, before an exceptional Tribunal or Court.

§1 The exception that is the subject of clause VII does not present an hindrance to extradition when the committed crime , connected to the political crime, consists mainly an infraction against common penal law or when a common crime is the basis for the extradition request.

§2 It is the exclusive competence of the Federal Supreme Court to evaluate the nature of committed crimes.

§3 The Federal Supreme Court may refrain from considering assaults against Heads of State or any other authority as well as acts of anarchism, terrorism, sabotage, kidnapping as political crimes, including the propagation of war propaganda or of violent acts aimed at the subversion of the political and/or social order.

**Art. 78.** Extradition is conditioned to: (Renumbered by Law 6.964 from December 9, 1081)

I - the alleged crime must have been committed in the requesting country and the extradited foreign citizen must be judged according to the penal code of the named State; and

II - the existence of a final sentence that implies the privation of freedom or if a Judge, Court or any other competent authority of the requesting State has ordered the imprisonment of the object of extradition, except cases related to the provisions set by article 82.

**Art. 79.** Preference will be given to the request from the State where the crime committed when more than one State request the extradition of the same individual. (Renumbered by Law 6.964 from December 9, 1081)

§1 When several crimes have been committed they will be ranked according to the following criteria:

I - the state within which the most serious crime was committed, according to Brazilian law;

II - the country that first requested the extradition, if the nature of the crime is identical; and

III - the State of origin of the object of extradition, or in its absence, his/her Country of residence, when the requests are made simultaneously.

§2 The prioritizing of Requests for unforeseen cases will be decided by the Brazilian Government.

§3 Any norms, related to the prioritizing that is the subject of this article and established by a signed a treaty or convention between Brazil and any of the requesting States, will be upheld. (Renumbered by Law 6.964 from December 9, 1081)

**Art. 80.** Extradition must be requested through diplomatic channels or, in their absence, by an official representative of the requesting State, must be made directly from Government to Government and be accompanied by a notarized copy or the sentence certificate, indictment or the preventive imprisonment decree proclaimed by a Judge or other competent authority. The document must, as well as any other documents attached to the request, contain accurate information on the location, date, nature and circumstances of the committed crime, the identity information of the object of extradition as well as copies of the legal text related to the crime, its punishment and its prescription time. (Renumbered by Law 6.964 from December 9, 1081)

§1 Applications made through diplomatic channels will grant authenticity to the enclosed documentation.

§2 The original documents mentioned in this article must be accompanied by their respective official Portuguese translation made in the requesting country, provided there is no treaty that exempts the requesting country from this demand. (Text provided by Law 6.964 from December 9, 1981)

**Art. 81.** The Ministry of Foreign Affairs will forward the request to the Ministry of Justice which in turn will order the imprisonment of the subject of extradition in order to make him/her available to the Federal Supreme Court. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 82.** The preventive imprisonment of the object of extradition may be

ordered in urgent cases and when officially requested by a competent authority or a diplomatic or consular agent of the requesting State through any possible means of communication. (Renumbered by Law 6.964 from December 9, 1981)

§1 The extradition request stating the committed crime must be based on a conviction sentence, flagrant imprisonment documentation, imprisonment mandate or, furthermore, the escape of the convicted individual.

§2 The requesting State must formalize the request within ninety days after the imprisonment order for the object of extradition, according to the provisions of article 80.

§3 If extradition is not formally requested the imprisonment of the object of extradition under the support of this article will not be upheld after the period mentioned in the previous article and another request for imprisonment will not be accepted, if based on the same crime.

**Art. 83.** Extraditions will not be granted without previous approval, which cannot be appealed, of the Plenary of the Supreme Federal Court regarding its legality and provenance. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 84.** The extradition request will, after the imprisonment of the object of extradition (article 80), be forwarded to the Federal Supreme Court. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. Imprisonment will be upheld until final judgment is passed by the Supreme Federal Court and freedom under surveillance, home arrest and shelter arrest will not be allowed.

**Art. 85.** The Rapporteur will, after the reception of the request, set a day and hour for the interrogation of the object of extradition and will, depending on the case, appoint a guardian or lawyer, if he/she does not have one, who will be granted ten days, counting from the date of the interrogation, to present his/her defense. (Renumbered by Law 6.964 from December 9, 1981)

§1 The defense will focus on the object of extradition, on possible shortcomings in the provided documentation or on the illegality of the extradition request.

§2 If a process is not properly documented the Court may, at the request of the General Prosecutor of the Republic, change the trial date in order to allow for due diligence and the fulfillment of the presentation of the respective documentation within a period of 60 (sixty) days that cannot be extended, after which the request will be tried.

§3 The deadline period mentioned in the previous paragraph will start on the date when the Diplomatic Mission of the requesting State was duly informed.

**Art. 86.** The Ministry of Foreign Affairs will inform the Diplomatic Mission of the requesting State when an extradition has been granted and the requesting State must remove the subject of extradition from Brazil within sixty days after receiving the information. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 87.** If the requesting State does not remove the subject of extradition within the period mentioned in the previous article he/she will be set free and will no longer be

subjected to the extradition process provided it is recommendable by the motive for the extradition. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 88.** A new extradition request based on the same facts that led to the denial of an extradition is not allowed. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 89.** If the object of an extradition request is being legally processed, or has been convicted, in Brazil and sentenced to imprisonment, the extradition will only be carried out after the conclusion of the process or imprisonment, with the exception of cases provisioned by article 67.

Single Paragraph. The delivery of an extradite will be postponed if it presents a risk to his/her life due to an illness proved by an official medical report.

**Art. 90.** The Brazilian Government may approve the extradition of an extradited individual even if he/she is the object of a legal process or has been convicted of a misdemeanor in Brazil. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 91.** The delivery of an extradited individual will not be carried out unless the requesting State guarantees: (Renumbered by Law 6.964 from December 9, 1981)

I - that the extradited individual will not be processed for occurrences that took place before the extradition request;

II - it will deduct from any eventual imprisonment sentence the period of imprisonment time in Brazil enforced through the extradition request;

III - commute any corporal or death sentence to an imprisonment sentence, except in cases when the implementation of a death penalty is allowed by Brazilian law;

IV - that the extradited individual will not be delivered to any other State; and

V - it will not aggravate the sentence due to political motives.

**Art. 92.** The delivery of an extradited individual, according to Brazilian law and safeguarding the rights of a third party, will be accompanied by the delivery of criminal objects and tools that were found in his/her possession. (Renumbered by Law 6.964 from December 9, 1981)

Single Paragraph. The objects and tools mentioned in this paragraph may be delivered independently of the delivery of the extradited individual.

**Art. 93.** An extradited individual that takes up residence in Brazil after having been delivered to the requesting State and escaped the implementation of a Court sentence will, after a direct or diplomatic request, be immediately detained and extradited without further formalities. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 94.** The Ministry of Justice may, unless otherwise demanded for public order reasons, allow individuals extradited to foreign States to transit the national territory through the presentation of documents that prove he/she has been granted free passage. (Renumbered by Law 6.964 from December 9, 1981)

## **TITLE X**

### **The Rights and Duties of Foreign Citizens**



**Art. 95.** A foreign citizen residing in Brazil enjoys the same rights that are granted to Brazilians according to the terms of the Constitution and Brazilian Law. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 96.** A foreign citizen must, whenever demanded by any authority or its agent, present a document that proves his/her legal stay in the national territory. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The document must, for all purposes of this article and of articles 43, 45, 47 e 48, be submitted in its original form.

**Art. 97.** Foreign citizens are allowed the exercise of remunerated activities and the enrollment in an educational establishments conditioned to the restrictions stipulated by this Law and its Regulations. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 98.** Foreign citizens and their dependents who have entered Brazil holding a tourist, transit or temporary visas, according to the provisions of article 13, item IV, are not allowed to engage in remunerated activities. Temporary visa holders under the protection of article 13, item VI, are not allowed any remuneration by a Brazilian entity. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 99.** A foreign holding a temporary residence visa and who remains in Brazil under the protection of article 21, §1 is not allowed to start a personal business or to take employment as an administrator, manager or director of a commercial or civil society or to enroll in an entity that inspects regulated professions. (Renumbered by Law 6.964 from December 9, 1981)

Single Paragraph. Foreigners holding visas issued under the support of clause V of article 13 are granted the right to temporary enroll in an entity that inspects regulated professions. (Included by Law 6.964 from December 9, 1981)

**Art. 100.** A foreign citizen admitted into Brazil with a temporary employment contract may only exercise activities for the enterprise that contracted him/her when the visa was granted, unless otherwise authorized by the Ministry of Justice after consultations with the Ministry of Labor. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 101.** A foreign citizen who entered Brazil under the protection of article 18, or article 37, §2 in order to engage in a certain professional activity, and take residence at a fixed location, may not change his/her residence or professional activity during the period set in his/her visa or visa change nor exercise his/her profession outside of the given region, with the exception of special cases and conditioned to the previous authorization by the Ministry of Justice, and when necessary after consultations with the Ministry of Labor. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 102.** A foreign citizen registered in Brazil must inform the Ministry of Justice if he/she changes his/her place of residence within 30 (thirty) days after the change of residence. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 103.** A foreign citizen that changes his/her registered nationality (art.30) must request the registration of his/her new nationality in all of his/her Brazilian documentation within ninety days counting from the date of the nationality change. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 104.** The holder of a courtesy, official or diplomatic visa may only be a salaried employee in Brazil of the foreign State, organization, or intergovernmental international agency, or of the Brazilian Government or Brazilian entity that has signed an international agreement with a foreign Government and which includes a particular clause on the subject. (Renumbered by Law 6.964 from December 9, 1981)

§1 A worker with a courtesy visa may only be a salaried employee of a holder of a courtesy, official or diplomatic visa.

§2 A mission, organization or individual that employs a foreign salaried worker is responsible for his/her exit from the national territory within 30 (thirty) days after the cessation of the employment period, lack of compliance with this provision may lead to the worker's deportation.

§3 Brazilian labor legislation does not apply to the holder of any of the visas named in this article.

**Art. 105.** A foreigner that entered Brazil with a tourist visa is not allowed to take employment as a crew member at a Brazilian harbor, for a return trip, if the ship does not fly the flag of his/her country and only if the transporting enterprise or its agent has previously required the authorization of the Ministry of Justice. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 106.** A foreign citizen is not allowed to: (Renumbered by Law 6.964 from December 9, 1981)

I - own, be the shipowner or command a Brazilian embarkation, including those that service rivers and lakes;

II - own a journalistic, television, radio enterprise of any kind and or be a partner or shareholder in any of the aforementioned enterprises.

III - be the editor, intellectual or administrative director of any of the enterprises mentioned in the previous item;

IV - obtain a concession or authorization for the research, prospection, exploitation and use of natural deposits, mines and other mineral resources as well as hydraulic energy resources.

V - own or exploit a Brazilian airplane, except when under the support of specific legislation;

VI - be a broker for negotiations involving ships, public funds, auctions or be a customs forwarding agent.

VII - participate in the administration or representation of a labor union or professional association or be part of an entity that inspects regulated professional activities.

VIII - be the foreman of a border, harbor, river, lake or channel;

IX - possess, hold or operate, even as a shipowner, of radio diffusion and radio telegraphy apparatus, or the like, unless allowed by the principle of reciprocity; and

X - provide religious counseling to the Armed Forces and auxiliaries or to collective internment establishments.

§1 The provisions of item I of this article do not apply to national fishing vessels.

§2 A Portuguese citizen under the protection of the rights and obligations of the Equality Treaty is only not allowed to:

a) assume the responsibilities of intellectual and administrative director of enterprises mentioned in item II of this article;

b) own, be the shipowner or commander of a Brazilian vessel, including river and lake navigation, with the exception of the provisions set by the previous paragraph; and

c) provide religious counseling to the Armed Forces and auxiliaries.

**Art. 107.** A foreign citizen admitted into Brazil may not engage in any kind of political activity nor tamper, directly or indirectly, with Brazilian public affairs and he/she is particularly forbidden to: (Renumbered by Law 6.964 from December 9, 1981)

I - organize, create or maintain a society, or any other entity, of a political character even if its only purpose is to spread and propagate ideas, programs, or actions by political parties in the country of origin to his/her compatriots;

II - to take individual action, directed at his/her compatriots or not, aimed at obtaining, through coercion or compulsion of any nature, support for the ideas, programs or actions of any political parties or factions of any country;

III - to organize or participate in demonstrations, walks, commissions and meetings with the objectives referred to in items I and II of this article.

Single paragraph. The provisions included in the heading of this article do not apply to a Portuguese citizen that has, under the support of the Statute of Equality, been granted political rights.

**Art. 108.** Foreigners are permitted to join associations in order to participate in cultural, religious, recreational, charity or social assistance activities, to join social and sports clubs or any other entities with the same purpose and to participate in national holiday commemorative meetings or other patriotic celebrations. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. Any entity mentioned in this paragraph with a number of foreign members that amounts to more than half of its total membership may only operate when authorized by the Ministry of Justice.

**Art. 109.** An entity that is granted an authorization through the presentation of false declarations regarding its objectives or which, after being granted operational authorization, engages in illicit and forbidden activities will be subjected to the cancellation of the authorization mentioned in the previous paragraph as well as to the suspension of its activities by the Minister of Justice until the dissolution process, initiated immediately, reaches a final judgment. (Renumbered and altered by Law 6.964 from December 9, 1981)

**Art. 110.** The Minister of Justice may, whenever convenient to the national interests, hinder the realization of conferences, congresses and artistic or folkloric exhibitions organized by foreign citizens. (Renumbered by Law 6.964 from December 9, 1981)

TITLE XI  
Naturalization

CHAPTER I  
Conditions

**Art. 111.** The granting of Brazilian nationality under the support of the provisions of article 145, item II, line b, of the Brazilian Constitution is the exclusive privilege of the Executive Branch and will be officially acknowledged through an administrative order issued by the Ministry of Justice. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 112.** The requirements for naturalization are: (Renumbered by Law 6.964 from December 9, 1981)

I - social competence, according to Brazilian law;

II - registration as a permanent resident in Brazil;

III - continuous residence in Brazil for a minimum period of four years which immediately precede the naturalization application;

IV - read and write in the Portuguese language, while considering the conditions of the naturalization applicant;

V - permanent employment or the possession of material means sufficient for his/her upkeep and of eventual family dependents;

VI - good social behavior;

VII - nonexistence of any denunciation, enunciation or conviction in Brazil or abroad for a crime that carries an imprisonment sentence of a minimum of 1 (one) year; and

VIII - good health conditions.

§1 Proof of good health is not required from foreign citizens that have been residents in Brazil for more than two years. (Included by Law 6.964 from December 9, 1981)

§2 The naturalization act will be annulled, without prejudice to any applicable penal action for the committed infraction, if it is proved, at any time, that the subject of naturalization has falsified any of the ideological or material requirements demanded by this article or included in articles 113 and 114 of this Law. (Renumbered and altered by Law 6.964 from December 9, 1981)

§3 The annulment declaration that is the subject of the previous paragraph will be administratively processed by the Ministry of Justice, at its own initiative or through the presentation of well founded evidence, and the naturalized foreign citizen must present his/her defense within fifteen days counting from the date of notice. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 113.** The residency period set by article 112, item III, may be reduced if the naturalization applicant fills any of the following requirements: (Renumbered by Law 6.964 from December 9, 1981)

I - has a Brazilian son/daughter or spouse;

II - is the son/daughter of a Brazilian;

III - has rendered, or is capable of rendering special services in Brazil, at the discretion of the Minister of Justice;

IV - becomes legible through his/her professional, scientific or artistic prowess;  
or

V - is the owner, in Brazil, of a real estate property valued at a minimum of one thousand times the Highest Reference Value; or is an industrial magnate in the possession of funds amounting to an equal value; is the owner of shares or integrated shares that total a minimum equal amount, in a commercial or civil society which primarily and permanently operates industrial or agricultural enterprises.

Single paragraph. The minimum requirement of residency is one year in cases related to items I to II, two years in cases related to item IV, and three years in cases related to item V.

**Art. 114.** A foreign citizen will be exempted from the residence time requirement, and will only be required to present proof of a thirty day stay in Brazil, if he/she: (Renumbered by Law 6.964 from December 9, 1981)

I - has been married, for a period superior to five years, with an active Brazilian diplomat; or

II - has worked for an uninterrupted period of more than 10 (ten) years in a Brazilian Diplomatic Mission or Consular Department.

**Art. 115.** A foreign citizen with the intention to take up Brazilian nationality must apply to the Minister of Justice and declare: the full name, origin, nationality, affiliation, sex, civil state, date of birth, profession, previous residential locations in Brazil and abroad, prove that he/she fulfills the requirements provisioned in article 112, item VII and whether he/she has the intention to adapt his/her name to the Portuguese language. (Renumbered by Law 6.964 from December 9, 1981)

§1. The application must be signed by the naturalization applicant and accompanied by specifically required and regulated documentation. (Renumbered by Law 6.964 from December 9, 1981)

§2. The following cases only require the presentation of a Brazilian identification card for foreigners, certificate of continuous residence in Brazil and criminal record issued by the competent authority of his/her location of residence in Brazil: (§ and clauses included by Law 6.964 from December 9, 1981)

I - foreign citizens that entered Brazil before completing 5 (five) years of age, have taken up definitive residency in Brazil and apply for Brazilian citizenship up to two years after they have reached full legal age;

II - foreign citizens that have taken up residence in Brazil before reaching full legal age and have completed a superior course in a Brazilian educational establishment and provided they apply for Brazilian citizenship within 1 (one) year after graduation.

§3. The Ministry of Justice must approve any application to change the name or

surname of a naturalized individual and the change will only be granted in exceptional and well motivated cases. (Single paragraph changed into §3 by Law 6.964 from December 9, 1981)

**Art. 116.** A foreign citizen that entered Brazil before completing 5 (five) years of age and has taken up definitive residency in Brazil may, while still a minor, apply through his/her legal representative for a temporary naturalization certificate which will be valid as proof of Brazilian nationality up to two years after he/she reaches full legal age.

Single paragraph. Naturalization will become definitive provided the holder of the temporary citizenship certificate expressly confirms, through a request addressed to the Minister of Justice and within two years after reaching full legal age, his/her intention to continue to be a Brazilian citizen.

**Art. 117.** The application that is the subject of article 115 addressed to the Minister of Justice will be submitted to the competent organ of the Ministry of Justice in the Federal District, State and Territories which will start investigations regarding the life record of the applicant and will provide opinions regarding the convenience of the naturalization request. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 118.** The competent organ of the Ministry of Justice may, if necessary, request further information/documentation after the reception of the application. The Minister of Justice is the final instance for the naturalization process including the attached opinion of the local authority. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The competent organ of the Ministry of Justice will deny and file the application for naturalization if the applicant does not fulfill any of the requirements provisioned in articles 112 or 116 while safeguarding the applicant's right to appeal the decision; the applicant may, if denial is upheld, appeal to the Minister of Justice; the deadline is, for both cases, thirty days counting from the date of publication of the decision.

**Art. 119.** Administrative orders granting Brazilian citizenship will be published in the Official Gazette and will be filed by the competent organ of the Ministry of Justice which will also issue a citizenship certificate to be handed to each naturalized citizen by the Federal Judge at the location of his/her residence during a solemn ceremony and according to specific Regulation formalities. (Articles 118 is renumbered into article 119 and altered by Law 6.964 from December 9, 1981)

§1. The certificate of citizenship will be handed by the 1st Court Judge if the location of the naturalized citizen has more than one Federal Judge. (Included and altered by Law 6.964 from December 9, 1981)

§2. The certificates will be handed to the naturalized citizen by district judges, or by judges from the nearest district, if the location does not have the representation of a Federal Judge. (Included and altered by Law 6.964 from December 9, 1981)

§3. Naturalization will be void if the applicant does not request the citizenship certificate within twelve months counting from the date of official publication and cannot present duly documented proof of force majeure. (Single paragraph changed into §3 by Law 6.964 from December 9, 1981)

**Art. 120.** Any Brazilian citizen may contest the granting of Brazilian citizenship

to a foreign citizen provided the protest is well founded and is submitted during the naturalization process. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 121.** The fulfillment of the provisions foreseen in this Law do not directly guarantee the right of citizenship for foreign citizens. (Renumbered by Law 6.964 from December 9, 1981)

## CHAPTER II The Consequences of Citizenship

**Art. 122.** Brazilian citizenship through naturalization, except in cases related to the hypothesis that is the subject of article 116, will only enter into effect after the delivery of the citizenship certificate which grants the naturalized individual all social and political rights, except from the rights solely granted by the Constitution to those that are born Brazilians. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 123.** The acquisition of Brazilian citizenship by an individual does not imply the granting of Brazilian citizenship to his/her spouse and children and does not automatically imply their right to enter or reside in Brazil unless they fulfill the provisions of this Law. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 124.** The acquisition of Brazilian citizenship does not exempt the naturalized individual from his/her social and legal responsibilities in any other country. (Renumbered by Law 6.964 from December 9, 1981)

## TITLE XII Infractions, Punishments and their Procedures

### CHAPTER I Infractions and Punishments

**Art. 125.** The following acts are considered infractions and carry the following punishments: (Renumbered by Law 6.964 from December 9, 1981)

I - to enter Brazil without authorization (clandestine):

Punishment: deportation

II - to remain in Brazil after the expiration of the granted legal stay period:

Punishment: fine amounting to one tenth of the Highest Reference Value per day of exceeded stay, limited to a maximum of 10 (ten) times the Highest Reference Value, and deportation if the subject of the infraction does not leave Brazil within the set deadline.

III - refrain from registering with the competent organ within the period established by this Law (article 30):

Punishment: fine amounting to one tenth of the Highest Reference Value per day of exceeded stay, limited to a maximum of 10 (ten) times the Highest Reference Value.

IV - refrains from complying with the provisions of articles 96, 102 and 103:

Punishment: fine amounting to two to ten times the Highest Reference Value.

V - the transportation enterprise does not comply with its obligations regarding the upkeep and exit from the national territory of foreigners that entered Brazil without authorization or clandestinely (article 27):

Punishment: fine amounting to 30 (thirty) times the Highest Reference Value, per foreign citizen.

VI - to allow a foreign citizen to be transported to Brazil without proper and valid documentation:

Punishment: fine amounting to ten times the Highest Reference Value, per foreign citizen, plus the responsibility for all costs related to his/her removal from Brazil. (Text provided by Law 6.064 from December 9, 1981)

VII - to employ or use the services of a foreign citizen that remains in Brazil illegally or is hindered from exercising any type of remunerated activity:

Punishment: fine amounting to 30 (thirty) times the Highest Reference Value per employed foreigner.

VIII - to refrain from complying with the provisions of articles 21, §2, 24, 98, 104, §§ 1 or 2 and 105:

Punishment: deportation.

IX - to violate the provisions of article 25:

Punishment: fine amounting to 5 (five) times the Highest Reference Value for the ticket redeemer and deportation of the foreign citizen.

X - to violate the provisions of articles 18, 37, § 2, or 99 to 101:

Punishment: cancellation of registration and deportation.

XI - to violate the provisions of article 106 or 107:

Punishment: imprisonment for a period of 1(one) to 3 (three) years and expulsion.

XII - to be responsible for the entry into Brazil of clandestine individuals or to hide clandestine or illegal foreign citizens:

Punishment: imprisonment of 1 (one) to 3 (three) years and expulsion if the infraction is committed by a foreign national.

XIII - to make false declarations in processes related to visa change, registration, data alteration, naturalization or in order to obtain a foreigner's passport, laissez-passer or, when applicable, exit visas:

Punishment: imprisonment of 1 (one) to 5 (five) years and expulsion if the infraction is committed by a foreign citizen.

XIV - to violate the provisions of articles 45 to 48:

Punishment: fine amounting to 5 (five) to 10 (ten) times of the Highest Reference Value.



XV - to violate the provisions of article 26, §1, or 64:

Punishment: deportation and, if a re-incidence, expulsion.

XVI - to violate or infringe any of the provisions included in this Law or its Regulations without special authorization:

Punishment: fine amounting to 2 (two) to 5 (five) times the Highest Reference Value.

Single paragraph. The punishments foreseen in item XI also apply to the directors of the entities that are the subject of item I of article 107.

**Art. 126.** The fines foreseen in this Chapter may be increased, when applied to re-incidence cases, from double to quintuple. (Renumbered by Law 6.964 from December 9, 1981)

## CHAPTER II Infraction Evaluation Procedures

**Art. 127.** Infractions punishable with fines will be evaluated through an administrative process based on the respective infraction and according to the provisions set by Regulations. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 128.** Cases related to article 125, items XI to XIII will be evaluated through the Penal Process Code and through the respective provisions of Titles VII and VIII of this Law. (Renumbered by Law 6.964 from December 9, 1981)

## TITLE XIII General and Provisional Provisions

**Art. 130.** The Executive Branch is hereby authorized to sign international agreements which, while safeguarding the reciprocity principle regarding the treatment of Brazilian citizens abroad and honoring the national convenience and interests, set the conditions for the granting, gratuitousness, exemption or waving of the visas established by this Law. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 131.** The Consular Tax and Emolument Chart that is part of this Law is hereby approved. (Renumbered by Law 6.964 from December 9, 1981) - (See Law-Decree 2.236 from January 23, 1985)

§1 The value of the taxes included in the chart will be readjusted annually according to the coefficient of the reference value.

§2 The Minister of Foreign Affairs is hereby granted the power to approve, through an Administrative Order, the revision of the consular emolument values and include considerations regarding the exchange rate between the Brazil Cruzeiro and gold and the main and freely convertible world currencies.

**Art. 132.** The Minister of Justice is hereby granted the power to institute the single Identity Card model for foreign citizens holding temporary or permanent residence visas that will be valid within the entire national territory and substitute the existing identity cards. (Renumbered by Law 6.964 from December 9, 1981)

Single Paragraph. The following cards will remain valid until the creation of the new Identity Card that is the subject of this article:

I - Identity Cards issued under the protection of article 135 of Decree 3.010 from August 20, 1938 as well as certificates that are the subject of §2 of article 149 of the same Decree; and

II - existing Cards and Cards issued under the protection of Law-Decree 670 from July 3, 1969 and in articles 57, §1, and 60, §2 of Decree 66.689 from June 11, 1970.

**Art. 134.** Foreign citizens that are the subject of the previous article may regularize their condition on a temporary basis. (Included by Law 6.964 from December 9, 1981)

§1. The Ministry of Justice is the instance responsible for the institution of the temporary registry of foreign citizens, in order to fulfill the purposes of this article.

§2. The registry that is the subject of the previous paragraph will be used as the basis for the issuing of identity cards to foreign citizens in irregular situations and thereby grant them the freedom to exercise remunerated activities and to move freely within the national territory.

§3. The request for temporary registration must be submitted within 120 (one hundred and twenty) days after the publication of this Law.

§4. The petition must filled in its respective form and be addressed to the Police Department that is closest to the foreign citizen's residence location accompanied by the following documents:

I - notarized copy of the passport or equivalent document;

II - nationality certificate issued by the foreign citizen's diplomatic or consular representation in Brazil;

III - birth or marriage certificate;

IV - any other document that may assist the Administration in controlling the foreign citizen's qualifications.

§5. The temporary registrations and identity cards that are the subject of this article will be valid for a period of two years and cannot be extended unless under the protection of the following paragraph.

§6. If bilateral agreements, that are the subject of the previous article, are signed before the end of the period set by §5, the citizens of the respective countries must apply for their regularization within the deadline set by line "c" of item II of article 133.

§7. The Minister of Justice will institute the special model of the identity card that is the subject of this article.

**Art. 135.** A foreign citizen residing in Brazil under the protection of the provisions of article 26 of Law-Decree 941 from October 13, 1969 must, in order to continue residing in Brazil, present the Ministry of Justice with a request for the authorization of his/her stay within 90 (ninety days), which cannot be extended, counting from the date of publication of this Law. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The authorization that is the subject of this article is not conditioned to the fulfillment of the special and particular demands set by article 17 of this Law .

**Art. 136.** If a foreign citizen entered Brazil before August 20, 1938, the date when Decree 3.010 entered into effect, and provided he/she has resided in Brazil continuously, he/she may, based on that date and provided he/she can prove his/her qualifications and nationality, apply for permanent residency at the competent organ of the Ministry of Justice, considering the provisions of the single paragraph of the previous article. (Renumbered by Law 6.964 from December 9, 1981)

**Art. 137.** Processes that are under way at the Ministry of Justice on the date of publication of this Law will be evaluated through the provisions of Law-Decree 941, from October 13, 1969 and its Regulations and Decree 66.689 from June 11, 1970. (Renumbered by Law 6.964 from December 9, 1981)

Single paragraph. The provisions of this article do not apply to naturalization processes which will be evaluated through this Law as soon as it enters in to effect. (Altered by Law 6.964 from December 9, 1981)

**Art. 138.** Portuguese citizens are also subjected to the provisions of this Law except in respect to the special provisions established by the Federal Constitution or by current treaties. (Included by Law 6.964 from December 9, 1981)

**Art. 139.** The Minister of Justice is hereby authorized to delegate the authority to imprison foreign citizens that are the object of deportation, expulsion and extradition (Included by Law 6.964 from December 9, 1981) Art. 139.

**Art. 140.** This Law enters into effect on the date of its publication. (Separated by Law 6.964 from December 9, 1981)

**Art. 141.** All provisions in that contradict this Law are hereby revoked and in particular Law-Decree 406 from May 4, 1938; article 69 of Law-Decree 3.688 from October 3, 1941; Law-Decree 5.101 from December 17, 1942; Law-Decree 7.967 from September 18, 1945; Law 5.333 from October 11, 1967; Law-Decree 417 from January 10, 1969; Law-Decree 941 from October 13, 1969; article 2 of Law 5.709 from October 7, 1971 and Law 6.262 from November 18, 1975. (Separated by Law 6.964 from December 9, 1981)

Brasilia, August 19, 1980; 159th year of Independence and 92nd year of the Republic.

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