

## CABINET OF THE MINISTER

### ADMINISTRATIVE RULE Nr.21, March 9, 2006

*This Administrative Rule regulates the situation of Brazilian citizens that are contracted by foreign firms to work abroad*

THE MINISTER OF LABOR, in the use of the powers granted by art. 87, sole paragraph, insert II of the Constitution and according to the provisions included in art. 12 of Law nr. 7.064 of December 06, 1982, and in art 6 of Decree nr. 89.339 of January 31, 1984, decides:

Art. 1 That Ministry of Labor is the sole entity authorized to approve the contracting/employment of a Brazilian citizen hired for work abroad.

Sole paragraph. The competence to approve the contracting of a Brazilian citizen for work abroad is hereby delegated to Ministry of Labor's Head of General Immigration Coordination Department.

Art. 2 The authorization request must be presented by the contracting party and addressed to the General Immigration Coordination Department, in the Portuguese language, and accompanied by the following documents:

- 1 - proof of legal status, according to the laws of country in which it operates, stamped by the Brazilian consular authority and translated into the Portuguese language by an authorized translator;
- 2 – proof that the firm is a shareholder of a Brazilian firm amounting to at least five per cent of its total capital;
- 3 – a legal attorney in Brazil especially empowered to represent the contracting party, including the power to receive citations; and
- 4 – individual employment contract in the Portuguese language and according to the provisions in Law nr. 7.064, 1982.

Sole paragraph. The Brazilian firm mentioned in point 2 of the above article and the foreign firms are jointly responsible for the duties and obligations specified in the labor contract.

Art. 3 The authorization conceded to the foreign firm, which is the subject of this Administrative Rule, is valid for a maximum contracting period of three years.

Sole paragraph. If the permanency of the contracted individual abroad surpasses three years, or if the labor contract is renewed, the foreign firm must request an extension through the forwarding of:

- 1 – the duly authorized documents mentioned in art 2 of this Administrative Rule;
- 2 – proof of concession of benefits according to arts. 21 and 22 of Law 7.064, 1982; and
- 3 – proof that the contracted individual has been granted annual vacations in Brazil, as well as his/her dependants, and that travel expenses are paid by the foreign firm.

Art. 4 This Administrative Rule enters into effect on the date of its publication.

Art. 5 Administrative rule nr. 3.256 of August 17, 1989, issued by this Ministry is hereby revoked.

**LUIZ MARINHO**

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