

MINISTRY OF LABOR
NATIONAL IMMIGRATION COUNCIL

NORMATIVE RESOLUTION NR. 84 FROM FEBRUARY 10, 2009

Regulates the concession of authorizations granted to individual foreign investors for permanent visa purposes.

THE NATIONAL IMMIGRATION COUNCIL, created by Law 6.815 from August 19, 1980, and organized through Law 10.683 from May 28, 2003, and based on the competence conferred by Decree 840 from June 22, 1993, decides:

Art. 1 The Ministry of Labor may grant the concession of a permanent residency visa to foreign citizens that intent to take residence in Brazil in order to invest his/her own foreign resources in productive activities in Brazil.

Single paragraph. The Ministry of Labor may decide, in cases where the number of foreign investors is deemed to have substantial socio-economic implications for the country, to forward the application to the National Immigration Council.

Art. 2 The concession of a permanent residence visa to a foreign investor is conditioned to the presenting of proof that the investment amounts to, in foreign currency, the equivalent or superior sum of Brazil Real 150.000 (one hundred and fifty thousand).

§1 The provisions in this article apply to both new and existing enterprises.

§2 The evaluation of the application will prioritize the social relevance of the investment through the creation of jobs and revenue in Brazil, the increase in productivity, the transference and assimilation of technology and the channeling of resources to specific sectors.

§3 It is the prerogative of the National Immigration Council to change the value of the minimum investment sum set in the heading of this Resolution through an Administrative Order.

Art.3 The National Immigration Council may grant the concession of a permanent visa to a foreign entrepreneur that intends to settle in Brazil in order to invest in productive activities even if the amount of the investment is inferior to the provisions set in the head of art. 2 of this Normative resolution.

§1 The evaluation of the request will concentrate on the verification of the social relevance of the investment according to the following criteria:

- 1 – the quantity of jobs created in Brazil based on the presented Business Plan, which must contain a specific estimative of the number of jobs that will be created for Brazilian citizens;
- 2 – the planned total investment sum and the region in Brazil where it will be invested;
- 3 – the economic sector that is the object of the investment;
- 4 – the possible contribution for productivity increase or the transference and assimilation of technology.

§2 The final decision by the National Immigration Council will give special consideration to investments by foreign entrepreneurs from South American countries.

Art. 4 The application for a permanent visa must be accompanied by the following documents:

1. respective application form;
2. delegated power of attorney, if the foreign investor is represented by an attorney;
3. articles of incorporation or the legal constitutive act of the company that will receive the investment, registered with the competent organ, which will be the receptor of the invested and integrated foreign capital;
4. - SISBACVEN – declaratory registration of foreign direct investment in Brazil or the exchange contract issued by the Bank that receives the investment, containing the respective codes that characterize foreign direct investments according to the Exchange Market and International Capital Regulations Office - RMCCI;
5. confirmation of the payment of the individual immigration tax through the presentation of the original receipt containing the name of the applicant enterprise;
6. presentation of the receipt of the entry of payment of income tax for the enterprise's last year of fiscal operations, when applicable; and
7. Business Plan according to the provisions of §2 of art. 2 of this Normative Resolution.

Single paragraph: The Ministry of Labor's General Immigration Coordination Department may, at any time, request the Regional Labor Superintendency and the Federal Police Department to conduct on location due diligence procedures.

Art. 5 The concession of visas is the responsibility of the Brazilian diplomatic missions and consular departments abroad and the Ministry of Labor will forward to these organs the information regarding deferred authorizations for visa concession purposes.

Art. 6 The investor's first Identity Card for Foreigners (CIE) will include a specific reference to the foreigner's condition as an investor and the validity period will be three years.

Art. 7 When the first identity card (CIE) expires it will be substituted by the Federal Police Department if the foreigner continues to act as an investor in Brazil, and the validity period for the substituted card, according to the provisions of Law 8.988 from February 24, 1995 and conditioned to the presentation of the following documents:

1. proof of payment of the tax for the substitution of the Identity Card (CIE);
2. the original Identity Card for Foreigners (CIE);
3. authenticated copy of the legal act of the legal entity, duly registered with the respective organ of competence;
4. Income Tax Declaration for the enterprise's last fiscal year as well the entry receipt;
5. copy of the last tax payment for regarding the payment of the Unemployment Guarantee Fund (FGTS), including a list of the employees.

§1 The Federal Police Department may, at any time, conduct on location diligences in order to verify the physical existence of the enterprise and respective entrepreneurial activities.

Art. 8 This Resolution enters into effect on the date of its publication.

Art. 9 Normative Resolution 60 from October 2004 is hereby revoked.

PAULO SÉRGIO DE ALMEIDA
President of the National Immigration Council

Published in the Official Gazette 31 on February 13, 2009.