

NORMATIVE RESOLUTION NR. 81 FROM OCTOBER 16, 2008

[Regulates the concession of a work permit, for temporary visa purposes, to a foreigner that is a member of the crew of a foreign fishing vessel leased by a Brazilian firm.](#)

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

Art. 1 A temporary visa may be granted, according to the provisions of Art. 13 of Law 6.815 from 1980, to a foreign citizen that is a member of the crew of a foreign vessel that operates within Brazilian territorial waters legally leased through a contract with a legal entity based in Brazil and for a period that is equivalent to the length of the contract but for a maximum period of two years.

Art. 2 The request for the work permit for temporary visa purposes must, according to the current regulations, be addressed to the Ministry of Labor.

§1 The request to the Ministry of Labor must be accompanied by the following documents:

1 – an authenticated copy of the leasing contract including the validity period and the characteristics of the leased vessel;

2 – declaration by the leasing firm containing the proportion of foreign workers working on the leased vessel including their names, nationality and positions as well as the commitment for the repatriation of the same;

3 – the collective labor agreement or convention between the leasing enterprise, or the respective union entity, and the Brazilian labor organization that represents the crew;

4 – collective agreements or conventions, or collective or individual labor contracts, signed abroad for the purpose of safeguarding the rights of the foreign workers and which provide them with working conditions that are compatible with Brazilian legislation; and

5 – a transference of technology plan and the professional empowerment of contracted Brazilian citizens.

§2 The visa request made by the leasing enterprise and addressed to the Ministry of Labor must include information containing the names and professional qualifications of Brazilian citizens that will become part of the crew.

Art. 3 The leasing enterprise must employ a total of Brazilian crew members, working on different professional levels and activities, that corresponds to at least two thirds of the total crew.

Art. 4 The Ministry of Labor will inform the Ministry of Foreign Affairs regarding granted authorizations for visa issuing purposes, and granted visas will contain a direct reference to the current Normative Resolution.

§1 The visas granted to crew members can, including bearers of "laissez-passer", be recalled at any time by an attorney of the leasing or renting parties.

§2 The issued Identity Cards for Foreigners can be collected by an attorney of the shipowner or by the leasing firm, if expressly approved by the registered foreigner, and through the signing of a

responsibility agreement.

§3 The Ministry of Foreign Relations may allow the exceptional granting of visas to Brazil, according to the provisions of art 2 of Normative Resolution 09 from November 10, 1997.

Art. 5 It is, according to current legislation, the duty of foreign citizens allowed to enter Brazil under the terms of the present Normative Resolution to register with the Federal Police,.

Art. 6 Temporary visas can be extended by the Ministry of Justice and the extension request application must be made and registered at least 30 days before it expires.

§1 The application for a visa extension can be made at the Federal Police Department at the location where the leasing enterprise conducts its operations or directly to the Ministry of Justice.

§2 The request(s) for visa extension(s) must be accompanied by the following documents:

1 – a petition made by the leasing enterprise according to current legislation;

2 – authenticated copies proving the prolongation of the leasing contract; and

3 – present proof of compliance with the present Normative Resolution together with the request(s) for visa extension(s).

Art. 7 Any substitution of crew members aboard the leased vessel will automatically imply new visa requests for the substitute, according to the terms of this Normative Resolution, and will lead to the cancellation of the substituted foreigners' visa.

Art. 8 The leasing party must, within 15 days, inform the Ministry of Labor regarding any transference of a crew member to another vessel operating for the contracted party.

Art. 9 This Normative Resolution enters into effect on the date of its publication.

Art. 10 Normative Resolution 59 from October 5, 2004, is hereby revoked.

PAULO SÉRGIO DE ALMEIDA
President of the National Immigration Council

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