

**MINISTRY OF LABOR
NATIONAL IMMIGRATION COUNCIL**

NORMATIVE RESOLUTION NR. 71, SEPTEMBER 5, 2006

Deals with the concession of a work permit to a foreign seafarer working on board of a foreign tourism ship that operates within Brazilian territorial waters.

THE NATIONAL IMMIGRATION COUNCIL, instituted through Law nr. 6.815, August 19, 1980, organized according to Law nr. 10.683, May 28, 2003, and empowered by Decree nr. 840, June 22, 1993, determines:

Art. 1 A seafarer working aboard a foreign tourism ship that operates within Brazilian territorial waters and without employment in Brazil is subjected to the provisions specified in this Normative Resolution.

Art. 2 An entry visa will not be demanded from the seafarer who works aboard a foreign tourism ship and holds a valid International Seafarer's Card or equivalent document.

Sole paragraph. A seafarer, as referred to above, is any individual bearing a valid International Seafarers Identity Card and who exercises a professional activity on board of a foreign tourism ship.

Art. 3 The foreign seafarer working aboard a foreign tourism ship that does not hold a valid International Seafarer's Card or equivalent document, and will work within Brazilian territorial waters, must obtain a work permit issued by the Ministry of Labor according to article 13, point V, of Law nr. 6.815, of 19/08/1980.

Sole Paragraph. The work permit required by the tourism carrier will be issued to the foreign seafarer(s) for a period of up to 180 days.

Art. 4 The work permit referred to in art.3 must be required in advance by the carrier from the Ministry of Labor and duly accompanied by the following documents:

- I - list of seafarers exercising remunerated activities on board, according to Appendix A;
- II – work permit request according to Appendix B;
- III - data on the representing firm according to Appendix C;
- IV - list of seamen holding an International Seafarer's Card or equivalent document according to appendix D;
- V - legal act governing the activities of the representing firm;
- VI -delegation of power of attorney to the representing firm translated by an authorized translator and approved by Consular authorities; and,
- VII - receipt of payment of individual immigration tax.

Art. 5 The work permits that are the subject of this Normative Resolution can be issued for a non-extendable period of up to one hundred and eighty days by the Diplomatic Mission or

Consular Department indicated on the work permit requirement. The visa can be received either by the holder or his/her attorney.

Single paragraph. In certain exceptions and at the discretion of the Department of Foreign Affairs, the permit may be issued in Brazil, according to art. 2 of Normative Resolution nr. 09, of November 10, 1997.

Art. 6 From the 91st (ninety-first) day of operation in Brazilian territorial waters, the foreign tourism ship's workforce must consist of a minimum of 25% (twenty five percent) Brazilians, working under Brazilian employment laws and in technical functions and other activities to be defined by the carrier or its representative.

Single paragraph: This article be in effect during a one hundred and eighty day period counting from the date of publication of the present Normative Resolution.

Art. 7 One hundred and eighty days after the publication of this Normative Resolution, and from the 31st day (thirty-first) day of operation in Brazilian territorial waters, the workforce of the foreign tourism ship must consist of a minimum 25% (twenty five percent) Brazilians working on various technical levels and with diverse activities to be determined by the carrier or its representative.

§ 1 The Ministry of Labor may decide to extend the above mentioned period, and the employment of the percentage of Brazilians, if the operating firm can present an acceptable justification.

§ 2 Failure to comply with the provisions in this article will automatically imply the cancellation of the work permit previously granted to the seafarer aboard the carrier.

Art. 8 Brazilians who are hired in Brazil in order to work during the season of cruise ships along the Brazilian coast must be employed by the firm that is established in Brazil or, in its absence, by the maritime agent that is responsible for the carrier's operations. The employment contracts must follow Brazilian labor legislation for the specific area.

Sole Paragraph. It is considered cruise season along the Brazilian coast the period that comprises 30 (thirty) days prior to the departure of the ship to the first Brazilian harbor and of 30 (thirty) days after leaving the last Brazilian harbor, included in this period are eventual temporary absences from Brazilian territorial waters.

Art. 9 In respect to articles 6 and 7, the exit and return of the ship from and into Brazilian territorial for a period inferior to 15 consecutive days will not be considered absence from Brazilian territorial waters.

Art. 10 The foreign seafarer who has entered Brazil holding a work permit issued under the protection of the present Normative Resolution and wishes to work on another ship does not have to apply for a new work permit, providing it is for the same work activities, but must obtain the previous authorization from the Ministry of Labor.

Art.11 This Normative Resolution enters into effect on the date of its publication.

Art.12 Normative Resolutions nr. 66, November 8, 2005 and nr. 67, December 7, 2005 are hereby revoked.

NILTON FREITAS
President of the National Immigration Council

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