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## Work Permit for Foreigners

Normative Resolution Nr. 62 of December 8, 2004

Regulates the concession of a work permit and a permanent visa to: a foreign Administrator, Manager, Director, and Executive, with managerial powers, of a Company, Commercial Group or economic Conglomerate.

The National Immigration Council, instituted by Law Nr. 8.490 of November 19, 1992, in the use of the powers conferred by Decree Nr. 840, of June 22, 1993 decides:

Art. 1. To establish norms for the concession of work permit and permanent visa to a foreign Administrator, Manager, Director, Executive, with managerial powers, who comes to Brazil as a representative of a Company, Commercial Group or economic Conglomerate.

§ 1. The concession of a work permit to the foreigner is conditional by the designated exercise of the post in an act duly registered in the competent organ.

§ 2. The foreigner's first identity papers shall include the position of Administrator, Manager, Director or Executive of a Company, Commercial Group or Economic Conglomerate.

§ 3. The permanent visa is conditional to the exercise of the function for which the work permit was applied, at the Ministry of Labor, and for the term and duration of the contract or the instruction in the act, and the condition shall, be stamped on the passport as well as on the respective identity paper.

§ 4. The Federal Police Department shall renew the identity paper when it expires through the presentation of proof that the foreigner continues to on the post of Administrator, Manager, Director or Executive, establishing its validity according to Law Nr. 8.988 of February 24, 1995.

§ 5. The proof referred to on the previous § shall be presented to the Federal Police Department through the presentation of a document from the firm, certifying the continuation of the exercise of the post by the foreigner, as well as other documents demanded by that organ.

§ 6. If the validity of the identity paper has expired, at the time of the request for renewal foreseen in § 4, the interested party will be subject to a fine according to point XVI, of art. 125, of Law Nr. 6.815 of August 19, 1980 and altered by law Nr. 6.964 of December 09, 1981

§ 7. The move to another firm, which does not belong to the same conglomerate, with the consent of the hiring party, will depend upon the authorization by the Justice Ministry, after consideration from the Ministry of Labor.

Art. 2. When dealing with an appointment for a Member of the Board, Deliberative Council, Management, Consultative Council, Fiscal Council and in other statutory organs in an Insurance firm, of capitalization and open entity of private social

security, the homologation shall be presented by the Superintendence of Private Insurance – SUSEP, regarding the approval of the foreigner for the post.

Art 3. The Civil Company or Commercial that wishes to appoint a foreigner to exercise the functions of Administrator, Manager, Director or Executive, shall comply with the demands established by the Ministry of Labor regarding the legal configuration of the firm and prove:

I – Investment in money, transfer of technology or of other goods amounting to a capital equal or superior to US\$ 50.000 (fifty thousand American dollars), or the equivalent in another currency for each hired foreign Administrator, Manager, Director or Executive, following the presentation of SISBACEN – Electronic declaration registry of direct foreign investment in Brazil.

Sole paragraph. Generate a minimum of 10 new jobs during the first two years after the installation of the firm or the entry of the Administrator, Manager, Director or Executive, or;

II – investment equal or superior to US\$ 200.000 (two hundred thousand American dollars), or the equivalent in another currency, for each hired Administrator, Manager, Director or Executive, through the presentation of exchange receipt issued by the Bank receiving the investment and the contractual or statutory alteration registered in the competent organ proving that the investment is integrated of in the receiving firm.

Art. 4. The requiring firm will undertake to communicate the dismissal of the Administrator, Manager, Director or Executive to the Ministry of Labor, and the concession of new work permits is conditional to this demand.

Art. 5. The exercising of new functions stated in the statute of the firm, or in the hypothesis collateral, stated in the statutes of other firms in the same group or economic conglomerate, shall be, requested previously to the Ministry of Labor.

§ 1 . In the hypothesis of a collateral request after the initial visa process, for the exercise of function as manager of a firm in the same group or economic conglomerate, the change will, be approved if previously agreed by the Ministry of Labor, with the presentation of the following documents:

I – application with reference to the process that gave origin to the initial visa;

II – proof of the association existing between the group's firms or the economic conglomerate;

III – authenticated copy of the objective of the firm as well as its last five contractual alterations, duly registered by the Commercial Registry, when dealing with a collateral request in a firm of the same group or economic conglomerate, even if previous to the appointment of the Administrator, Manager, Director or any other post with managing power;

IV – presentation of document appointing the foreigner to the post, which shall be part of the contract/objective statute,

V – presentation of a letter of agreement for the exercise of a collateral post, signed by the firm for which it was primarily authorized, as well as a letter of agreement from the foreigner.

Art. 6. A permanent work permit may, be issued by the Ministry of Labor to a foreigner who is a Member of the Board, under the form defined by the present Normative Resolution, having fulfilled the demands proceeding from the Normative Resolution that regulates the demeanor for the concession of work permits to a foreigner.

Art. 7. The member of the Administrative Council, while in the exercise of the referred post, is, exempted from fiscal residency in the country as long as he/she declares where he is taxed, for his/her revenue.

Art. 8. The national firm, with a subsidiary abroad, that appoints a foreigner to the permanent post of Administrator, Manager, Director or Executive, does not have to comply with points I and II of art. 3, having filled the demands proceeding from the Normative Resolution that regulates the demeanor for the concession of work permit to a foreigner.

§ 1. The requesting firm shall inform the Ministry of Labor of the dismissal of the Administrator, Manager, Director or Executive and may be conditional to the concession of new authorizations by the honoring of this demand.

Art. 9. The activities of the enterprise that are the subject of international bilateral agreements approved by Legislative Decree shall abide by the conditions established by such agreements.

Art. 10. Normative Resolution Nr. 56 of August 27, 2003 is hereby revoked.

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

NILTON FREITAS  
President

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