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Work Permit for Foreigners

Normative Resolution Nr. 36 of September 28, 1999.

Concession of temporary visa for the purposes of family reunion.

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 and considering the contents of Law Nr. 6.815 of August 19, 1980, art 4 /1, Sole paragraph, and art. 7/2 decides:

The Ministry of Foreign Affairs may concede a temporary or permanent visa, for the purpose of family reunion, to the legal dependents of a Brazilian citizen or a foreigner with temporary or permanent residence in the Country who are over the age of 21. Sole paragraph. The visa application treated by this Normative Resolution must, be presented to Diplomatic Missions, consular Departments and Vice-consulates with jurisdiction at the location of residence of the interested party.

Art. 2 For the purposes of the content of this Normative Resolution, as legal dependents are considered:

I – sons and daughters, with less than 21 years of age, or over 21 who can present proof of the incapacity to provide for their own maintenance;

II – relatives that can prove the effective necessity of support by the calling party;

III – brother/sister, grand or grand-grand son/daughter if orphans, who are single and under 21, or of any other age as long as the necessity to provide for their own maintenance can be proven;

IV – husband/wife of Brazilian citizen; and

V – husband/wife, of a temporary or permanent resident in Brazil.

Sole paragraph – The dependents referred to in points I and III will be considered as such up to the calendar year when they turn 24, as long as they are enrolled in a graduation course or post-graduation and when the principle of reciprocity to Brazilian citizens is compatible at the country of origin of the foreigner.

Art. 3 When dealing with a foreigner with temporary residence in Brazil, the right for family reunion can be, invoked after being in the country for more than 6 months, and any remunerated activity by the dependent is, forbidden.

Art. 4 When dealing with a foreigner with a permanent or definitive visa, the family reunion can be, invoked after the foreigner has obtained a definitive card conceded by the competent authorities.

Art. 5 The cases dealing with incapacity to provide for own maintenance, named in points I and III of art. 2 must, be proven through a judicial declaration or by the competent state authority at the location of residency of the called party.

Art. 6 The question of support, as foreseen in point II of art. 2, will be appraised based on the following requirements:

I – that the called party does not have sufficient income to provide for his/her own maintenance and that the calling party deposits, mensal and regularly, in a provable form, resources for his/her maintenance and survival;

II – that the called does not have any descendents or relatives in the first or second degree that can provide assistance at the country of residence; and
III – that due to advanced age or proven serious illness, need the presence of the calling party in order to manage his/her life.

Art. 7 A permanent visa or definitive residency can, be considered for concession to a foreigner if it can be proved that he is the father/mother of a Brazilian that is under his/her guardianship and is economically dependent.

Sole paragraph – The contents of this also apply to the foreigner that is under judicial guard or under trust to a Brazilian.

Art. 8 The Ministry of Justice may concede definitive residency, treated by this Normative Resolution, when the foreigner is legally in the Country.

Art. 9 The Ministry of Foreign Affairs will determine the contents of the demanded documents from the called and the calling parties for the furthering of the requests for a temporary or permanent visa envisioned by this Resolution.

Art. 10 To the legal dependent, bearer of a provisory registration conceded by Law Nr. 9.675 of June 29, 1998, a temporary visa, as in item V may be granted, under the heading of family reunion, for the period stated in the identity document of the calling party.

Art. 11 This Normative Resolution enters into effect on the date of its publication and revokes Normative Resolution Nr. 04 of May 21, 1997 published in DO Nr. 143 of July 29, 1997, Section I, page 16231.

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