

## **CABINET OF THE MINISTER**

### **ADMINISTRATIVE RULE 802, MAY 14, 2009**

**THE STATE LABOR MINISTER**, in the use of his attributions and considering the provisions included in the text of §6 of art. 1 of Normative Resolution 74 from February 9, 2007, issued by the National Immigration Council, decides:

Art. 1 To create, in Brazil, the Electronic Registry of Entities Requesting Work Permits for Foreigners (CERTE) managed by the General Immigration Coordination Department (CGIg) and aimed at the development of simplified procedures for enterprises with a large quantity of annual application requests.

§ 1 Entities that have, up to December 31, 2008, forwarded more than one hundred applications to the General Immigration Coordination Department (CGIg) can request their inclusion in the above mentioned electronic registry (CERTE).

§ 2 Registered entities which regularly request work permits for foreign citizens can add the following required documentation to the registry (CERTE):

1 - the legal act of the legal entity (contact or consolidated social statutes including alterations) duly registered with the Trade Board or at a Civil Notary Registry. All document copies must have all pages authenticated (art. 1, insert 1, line “a” of RN 74/07);

2 - document proving the election or appointment of the legal representative of the applicant entity duly registered with the Trade Board or at a Civil Notary Registry (art. 1, insert 1, line “c” of RN 74/07);

3 - copy of the (National Legal Entity Registration Card – CNPJ (art. 1, insert 1, line “d” of RN 74/07);

4 - Officially delegated power of attorney issued by public act or if private with authenticated signature, when the applicant is represented by an attorney. Copies must be authenticated (art. 1, insert 1, line “e” of RN 74/07);

5 - authenticated copy of the technical assistance service contract, agreement or convention ( art. 2, insert 8 of Normative Resolution 61/04);

6 – proof of the legal competence of the foreign enterprise's legal representative that has signed the contract, agreement or convention, through the presentation of the legal act that has granted him/her that competence, according to the legislation of the country of origin (art. 2, §3 of Normative Resolution 61/04);

7 - copy of the leasing contract signed with a Brazilian enterprise, or a rendering of services contract or risk contract, signed with Brazilian firms or the Administrative Concession Rule issued by the National Petroleum Agency (art. 4, insert 1 of Normative Resolution 72/06);

8 - a list containing the name of all leased or contracted embarkations and platforms by the applicant enterprise, including the quantity of Brazilian and foreign citizens working aboard each one of them (art. 4, insert 2 of Normative Resolution 72/06);

9 - convention or collective labor agreement between the leasing enterprise, or the respective economic category labor organization, and the Brazilian labor organization that represents the crew (art. 2, §1, insert 3 of Normative Resolution 81/08);

10 – a Transference of Technology Program and a Program for the Professional Empowerment of contracted Brazilian citizens (art. 2, §1, insert 5 of Normative Resolution 81/08); and

11 – other documentation previously authorized by the General Immigration Coordination Department.

§ 1 The following documentation can also be added to the Registry (CERTE) as long as it represents annual responsibility commitments signed in the name of all of the foreigners that have been asked to work in Brazil by the applicant entity:

1 - Document stating that the applicant assumes all of the employed foreign citizen's medical and hospital expenses, as well as those of his/her dependents, during his/her/their stay in Brazil (art. 1, insert 1, line “f” of RN 74/07);

2 -Document containing the commitment to provide for the repatriation of employed foreigners, at the end of their stay (art. 1, insert 1, line “g” of Normative Resolution 64/07).

§ 2 Documentation that has been registered in CERTE will remain valid, for the purpose of applications for work permits from the General Immigration Coordination Department (CGIg), as long as they are legally valid and for a maximum period of six months counting from the date of their insertion must renew their registration.

Art. 3 Work permit applicant enterprises that wish to be included in the electronic (CERT) registry must:

1 – present an inclusion request to the General Immigration Coordination Department;

2 – provide the documentation foreseen in the inserts 1 to 3 of art. 2 of this Administrative Rule; and

3 – if needed, provide other documentation foreseen in art. 2 of this Administrative Rule.

Art. 4 All documentation provided by the applicant entities for insertion in the Registry (CERTE) will be a part of specific procedural processes and will be stored in a separate archive managed by the General Immigration Coordination Department.

Art. 5 The General Immigration Coordination Department will provide the registration of applicant entities and the digitalization of documents to be inserted in the Registry (CERTE) according to the standards established by the Ministry of Labor (MTE).

Art. 6 The General Immigration Coordination Department is hereby authorized to use the digitalized registered documentation for process evaluation purposes related to work permit applications for foreign citizens requested by a registered entity and is also hereby exempted from attaching the documentation to the respective processes.

Single paragraph. Processes related to applications for work permits for foreign citizens made by registered entities to the General Immigration Coordination Department (CGIg), will only include the number of the specific application process in which the documents are physically archived by

the CGIg.

Art. 7 Registration in the CERTE Registry is optional and entities that require work permits for foreign citizens, whether registered or not, will continue to be serviced by the normal system for the procedural process for the granting of work permits to foreign citizens in Brazil.

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

**CARLOS LUPI**

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