

ADMINISTRATIVE ORDER/GM/CGIg/ NR. 01/09

Defines the procedural operations of the General Immigration Coordination Department in relation to visa applications based on Normative Resolution 84/2009.

The GENERAL IMMIGRATION COORDINATOR, based on his legal competence and considering the necessity to standardize the procedures related to the evaluation of the applications for permanent resident visas made by foreign investors according to Normative Resolution 84/2009, issued by the National Immigration Council,

DECIDES:

1. The evaluation of applications for permanent resident visas for foreign investors according to Normative Resolution 84/2009 will use the following criteria for the assessment of the investment's social relevance according to the provisions of art. 2, §2 of the above mentioned Resolution:

- a) creation of jobs and revenue in Brazil;
- b) productivity increase;
- c) technology transfer and assimilation;
- d) increased resources for specific sectors.

2. The most important criteria for the evaluation of the investment's social relevance is, according to the provisions of art. 2, §2 of RN 84/09, the creation of jobs and revenue in Brazil through the foreigner's investment.

3. The creation of jobs and revenue should be verified already during the first year of the enterprise's operations, counting from the date of the concession of the permanent resident visa to the foreign citizen.

4. Indirect creation of jobs and revenue can also come to be taken into consideration, but the enterprise should be able to show the creation of jobs by its own operations.

5. The increase in productivity, the transference and/or assimilation of technology and the creation of resources for specific sectors will, according to the provisions of art. 2, §2 of RN 84/09, be considered as completing elements for the creation of jobs and for the evaluation of the social relevance of the investment.

6. The evaluation of the investment's social relevance will, according to the provisions of art. 2, §2 of RN 84/09, be carried out through the assessment of the Investment Plan presented by the applicant and according to the terms of art. 4, insert 7 of RN 84/09.

7. The Investment Plan must provide the detailed and clear account for the use of invested resources and should include the following topics:

a) Business Definition :

- i) business sector and location;
- ii) description of intended services; and
- iii) investment objectives and the date of start of operations.

b) Investment Objectives:

- i) business sector and location;
- ii) related technology and services;
- iii) government programs and locations;
- iv) current partners;
- v) operational market; and

vi) business development strategy.

c) Creation of Jobs and Revenue:

i) employment plan for the first three years of operation (quantity of employees and positions)

ii) intended salaries; and

iii) planned investments for employee empowerment and qualification.

d) Financial Plan: description of the investment plan.

8. Other points that are considered as essential for the evaluation process:

a) The application's consistency: the non existence of incoherence , of diverging or non-confirmed information and of contradictory assertions; and

b) The foreign investor's curriculum vitae /resumé: special attention should be give to the foreign investor's professional experience in relation to the intended investment, as stated in the Form "Applicant and Candidate Data".

9. The General Immigration Coordination must, after the concession of the permanent visa based on RN 84/09, verify the yearly compliance with the provided Investment Plan and in particular with the provisions for creation of jobs and revenue.

10. Verified lack of compliance with the Investment Plan will lead to the cancellation of the visa.

11. To be published in the internal Journal (Boletim) and on this Ministry's electronic Internet page.

12. Directors and other public servants of this General Coordination department are hereby notified.

Brasilia, Federal District, June 10, 2009

Paulo Sérgio de Almeida
General Immigration Coordinator