

ADMINISTRATIVE ORDER/GM/CGIG/ Nr. 03/05

Brasilia, DF on August 18, 2005

THE GENERAL COORDINATOR OF IMMIGRATION, in the use of his legal attributions and considering the need of adoption of procedures to define the occurrence of salary reduction, in the terms of art. 5 of Administrative Resolution Nr. 07 of the CNIg; and considering the yet to be approval by the National Immigration Council of the directions which have caused the present procedures, DECIDES:

1. For the purposes of the General Coordination of Immigration, it is considered as salary reduction, the offer in Brazil of a remuneration which is inferior to the last received salary remuneration by a foreigner living abroad, who is called to work in Brazil by a firm established in the national territory and taking in consideration the same monetary currency and the same amount of labor hours;
2. Inform that the practice of “*salary reduction*”, in the context adopted by the immigration norms, implies wrongdoing to the foreigner as well as losses to the Brazilian labor market, through the abusive competition in relation to the local workmanship. Furthermore, when fraudulent, the “pseudo” reduction of salary leads to the evasion of taxes, labor responsibilities and social security;
3. Considering the above, it will always be characterized as salary reduction, when the annual salary in Brazil, considering all of the direct and indirect benefits, is inferior to the last annual salary received by the foreigner abroad, in the same monetary currency, in the case of transfer of employees amongst firms belonging to the same economic group as joined, controlled or associated. For the purpose of adding the total of salaries offered for the employment in Brazil, all the portions paid in Brazil and abroad will be calculated, which will integrate the remuneration of the foreigner with all the aspects of Brazilian labor legislation.
4. In what refers to cases that do not deal with the transfer of employees from abroad to firms linked to the same economic group in Brazil, it will not be characterized as salary reduction when the calling firm can prove that no additional revenue will be received abroad by the foreigner; that it does not exist local workmanship to exercise the same function; and as long as the salary in Brazil is compatible with the post which the foreigner will occupy.
5. To be published in the Internal Report and the Internet.
6. Inform the leadership as well as other employees of this General Coordination.

Paulo Sérgio de Almeida
General Coordinator