

GMS Flash Alert

Immigration Edition

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Brazil - Changes to Foreign Seafarer and Other Offshore Worker Visas

On October 14 and 23, the Brazilian authorities published resolutions in the country's Official Gazette updating the current rules for foreign seafarer and other offshore worker visas. The resolutions update the visa regulations for foreign-flagged vessels (Normative Resolution n. 06)¹ and cruise vessels operating in Brazilian jurisdictional waters (Normative Resolution n. 05).²

WHY THIS MATTERS

There are many companies with foreign-flagged vessels or operating cruise ships in Brazil, and the rules for hiring offshore and seafarer workers in Brazil can be quite complex.

These October 2020 resolutions have not introduced new types of Brazilian work visas, but they have updated the classifications and regulations of the current ones, providing more clarity and security for affected companies pertinent to composing their vessels' workforce and fostering compliance when operating in Brazilian jurisdictional waters.

Details

Among the changes introduced by the recent resolutions, the main ones are:

- Detailing the offshore worker qualification for these visa applications;
- Describing the vessel's job positions and departments, and their respective local-staff proportion rules when hiring Brazilian staff that form part of the vessel's workforce;
- Detailing the possibilities of using a visitor visa and a seafarer's "identity document" (the "seaman's book") as legal exemptions to work visas.

For foreign-flagged vessels, the resolution updates the requirements related to Brazilian staff to be hired by the company that applies for foreign worker visas, considering the vessel's type, its period of operations in Brazil, and its foreign workers' positions while in Brazil.

The recent resolutions, however, have not affected the local-staff proportion rules applied to cruise vessels operating in Brazilian waters.

The resolutions confirm the compliance with the International Labor Convention (ILO) 185 in both cases.³ The ILO185 establishes the seafarers' identity document. The resolutions confirm the situations in which this document may be used by foreign-flagged vessels' workers instead of a regular Brazilian work visa.

Moreover, Brazilian legislation allows offshore foreign workers to come to Brazil holding visitor/business visas or with seafarer identity documents when staying for short-term projects (i.e., up to 180 days for cruise vessels' workers).

FOOTNOTES:

1 See the Brazilian government announcement of October 14, [Resolução CNIG MJSP nº 42](#) (in Portuguese) as published in the *Diário Oficial da União*, 14/10/2020, Edição: 197 – updates the Normative Resolution n. 06.

2 See the Brazilian government announcement of October 23, [Resolução CNIG MJSP nº 43](#) (in Portuguese) as published in the *Diário Oficial da União*, 23/10/2020, Edição: 204 – updates the Normative Resolution n. 05.

3 See the [International Labor Organization Convention 185](#) - Seafarers' Identity Documents Convention (Revised), 2003, as amended.

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The information contained in this newsletter was submitted by the KPMG International member firm in Brazil.

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