

CIRCULAR – NEW BRAZILIAN IMMIGRATION REGULATIONS SID REQUIREMENT FOR FOREIGN CREWMEMBERS

The Brazilian Federal Police (immigration authority) has recently published new regulations for the control of foreign crewmembers arriving in Brazil, by which all crewmembers of countries which are signatories of ILO Convention 185 are required to hold a SID and crewmembers of all other countries must have a temporary visa for Brazil in their passports.

Seaman's books are no longer accepted.

Below is our translation of the new regulation which was published 12/11/2020 and updated on 19/11/2020. The link to this regulation in Portuguese is:
<https://www.gov.br/pf/pt-br/assuntos/imigracao/tripulantes-maritimos>

The Federal Police in the various Brazilian ports are now starting to enforce these regulations and have started to fine vessels and Owners with crew not in compliance.

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MIGRATORY CONTROL ON SEAFARERS

I – SEAFARER IDENTITY DOCUMENT ISSUED IN ACCORDANCE WITH CONVENTION No. 185 OF THE INTERNATIONAL LABOR ORGANIZATION:

Recent discussions in the National Immigration Council resulted in the publication of **Normative Resolution No. 42/2020, which updated Normative Resolution No. 6/2017** for a more modern and appropriate interpretation of art. 29. §7, item I, of Decree 9.199/2017. **Thereby the Federal Police of Brazil will accept only the Seafarer Identity Document issued under ILO Convention No. 185 as a travel document, in which case seafarers will not be required to hold a visa.**

Currently, those countries that have already ratified ILO Convention 185 are: Albania, Azerbaijan, Bahamas, Bangladesh, Bosnia and Herzegovina, Brazil, Kazakhstan, Congo, Croatia, Spain, Philippines, France, Georgia, Hungary, Yemen, India, Indonesia, Jordan, Kiribati, Lithuania (not in force), Luxembourg, Madagascar, Maldives, Marshall Islands (not in force), Montenegro, Myanmar, Nigeria, Pakistan, Republic of Korea, Republic of Moldova, Russian Federation, Sri Lanka, Tunisia, Turkmenistan, Tanzania, and Vanuatu. The list can be found on the ILO website: Acceptance of Amendments of 2016 to the Annexes of the Convention No. 185.

It should therefore be noted that the seaman's book (**Seafarer Discharge Book** / Seaman's Service Book) and **Seafarer Identity Document (SID)**, issued in accordance with ILO Convention No. 185, **are different documents**.

The Seaman's Book is a record of career certification and experience to prove if the seaman is certified for certain functions on vessels (according to STCW/1978), which in Brazil is called "**Caderneta de Inscrição e Registro**", in accordance with the Maritime Authority for Waterway Norms- NORMAM-13 / DPC ([Normas da Autoridade Marítima para Aquaviários-NORMAM-13/DPC](#)).

It should therefore be noted that the "**Caderneta Estrangeira de Inscrição e Registro**" (**Seaman's Book**) has no relevance for migratory control and visa exemption, as required for seafarers by the MRE's QGRV, even for nationals of countries that have ratified ILO Convention No. 185. Hence, it is necessary for seafarers to hold the Seafarer Identity Document issued under the terms of Convention No. 185.

The Seafarer Identity Document is compatible with ICAO Doc 9303 (electronic machine-readable travel document), as shown in Annex I of ILO Convention No. 185 ([Anexo I da Convenção n.º 185 da OIT](#)).

II - GENERAL RULES: VISA REQUIREMENTS FOR SEAFARERS:

As a general rule, migrants entering the country to work as seafarers are issued one of the following types of visa:

- 1 - up to a maximum non-extendable period of stay of 90 days: a visitor's (business) visa.**
- 2 - for a period exceeding 90 days: a temporary work visa, which must be registered by the Federal Police.**

III - VISA EXEMPTIONS:

I - Seafarers and crewmembers of sea going vessels, whose nationality is exempt from a business visa (see General Visa Registration Framework of the Ministry of Foreign Affairs), for stays of up to 90 days, non-extendable.

II - Seafarers holding a valid Seafarer Identity Document Convention No. 185 of the International Labor Organization-ILO are exempt from visitor visas, as long as they are on an ocean-going vessel or show that the purpose for entry is for ocean going navigation on river cruises along the Brazilian coast, for stays of up to 180 days per year.

It should be noted that ocean going navigation is the name given to the transport of people or goods between ports in different countries (international transport of people or goods). However, stopping at different ports to embark and seize goods from abroad is part of ocean going navigation. In other words, as an example, it is part of the ocean going navigation when a vessel stops at a first port to unload goods and sails to another port to load other goods.

IV - SPECIAL CASES OF INTERNATIONAL AGREEMENTS

The Federal Police uses a specific classification to attend special cases of international agreements, in relation to facilitating maritime transport of goods, by means of which seafarers are allowed to disembark, that is, **holders of a seafarer's identity document, issued by the respective country for stays equal to the time the vessel remains in the port, and restricted to the city at which the vessel is calling.**

In this case, **seafarers are not permitted to travel to other cities to go on board a different vessel or to leave the Brazilian territory.** In other words, the seafarer cannot leave the city where the vessel is located.

In addition, the exemption from the visa is only applicable for seafarers of the vessel in which they are operating. **In other words, this does not apply to crewmembers entering by air (through airports).**

The main example of different treatment as explained above is for Chinese seafarers, who are benefitted by the Agreement on Maritime Transport between the governments of Brazil and China, which dispenses visas for Chinese crewmembers under the following conditions:

- Chinese seafarers who are on Chinese flag merchant ships;
- Chinese seafarers disembark from a Chinese flag ship in the port where the vessel is calling;
- Chinese seafarers must stay in the city during the vessel's call in that city

Therefore, in the case of the Agreement between Brazil and China, the Chinese seafarer needs a visa to enter Brazil by air, as well as to disembark from the vessel to travel within Brazil in order to board on another ship or to go to an airport (Examples: the seafarer needs a visa to enter the Guarulhos/SP and Galeão/RJ airports; and 2) they need a visa to disembark from a vessel anchored in the Port of Santos/SP and to go to Guarulhos/SP to board an airplane back to China).

V - RESIDENCE PERMITS:

A visa is a requirement for entry to Brazilian territory. Therefore, a visa obtained by a foreigner after arriving in Brazil cannot be registered.

Seafarers with a visitor visa, or a work visa issued after the date of entry into Brazil, regardless of the place where it was issued, must obtain a residence permit from the Brazilian immigration authority. Visas issued in the national territory have no validity for migration.

This means:

I – Only a temporary visa used to enter the country can be registered.

II – A prior residence permit previously published in the Official Journal of the Union (DOU) cannot be registered.

VI – FINES - ITEM V OF ARTICLE 108 OF LAW 13,445 /2017:

Item V of article 108 of law 13,445/2017 considers transporting a seafarer who is not in compliance with Brazilian immigration regulations as an administrative infraction and the company will be subject to a fine.

Brazilian territorial seas are regarded as national territory. Therefore, a fine is applicable against the company that transports any seafarer not in compliance with Brazilian immigration regulations, even if the seafarer does not disembark.

The company should be fined, whether or not the seafarer disembarks (and they should not be allowed to disembark), if they have transported a seafarer without regular documentation to Brazil, even on board a foreign vessel.

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