

OFFICIAL DIARY OF THE UNION

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Body: Presidency of the Republic / Civil House

ORDINANCE NO. 652, OF 25th OF JANUARY, 2021

It provides for the exceptional and temporary restriction on the entry of foreigners into the country, of any nationality, as recommended by the National Health Surveillance Agency – Anvisa.

THE CHIEF MINISTERS OF THE CIVIL HOUSE OF THE PRESIDENCY OF THE REPUBLIC, JUSTICE AND PUBLIC SAFETY AND HEALTH, in the use of the powers conferred on them by art. 87, sole paragraph, items I and II, of the Constitution, and art. 3rd, art. 37 and art. 47 of Law No. 13,844, of 18th June 2019, and in view of the provisions of art. 3rd, **caput**, item VI, of Law No. 13,979, of 6th of February 2020, and

Considering the declaration of public health emergency of international importance by the World Health Organization on 30th January 2020, due to the human infection with the coronavirus **SARS-CoV-2 (covid-19)**;

Considering that it is a principle of the National Public Security and Social Defense Policy, provided for in item VI of the **caput** of art. 4 of Law No. 13,675, of 11th June 2018, the efficiency in preventing and reducing risks in emergency situations that may affect people's lives;

Considering the need to give effectiveness to the health measures to respond to the **SARS-CoV-2 (covid-19)** pandemic provided for in Ordinance No. 356 / GM / MS, of 11th March 2020, of the Ministry of Health;

Considering that public services and essential activities are defined as those of transit and international transport of passengers and those of transport, storage, delivery and logistics of cargo in general, as described in items V and XXII of § 1 of art. 3 of Decree No. 10,282, of 20th March 2020;

Considering the manifestation of the National Health Surveillance Agency - Anvisa, with the recommendation of exceptional and temporary restriction on entry into the country; and

Considering the epidemiological impact that the new variant of the coronavirus **SARS-CoV-2 (covid-19)**, identified in the United Kingdom of Great Britain and Northern Ireland and in the Republic of South Africa, can cause in the current scenario experienced in the country; resolve:

Art. 1 This Ordinance provides for the exceptional and temporary restriction on the entry of foreigners of any nationality into the country, pursuant to the provisions of item VI of the **caput** of art. 3 of Law no. 13,979, of 6th February 2020, as a result of a technical and reasoned recommendation by the National Health Surveillance Agency - Anvisa for health reasons related to the risks of contamination and spread of the coronavirus **SARS-CoV-2 (covid-19)**.

Art. 2 The entry of foreigners of any nationality into the country is restricted, by road, by other terrestrial means or by water transport.

Art. 3 The restrictions mentioned in this Ordinance do not apply to:

I - Brazilian, born or naturalized;

II - immigrant with permanent residency, for a determined or indefinite period, in Brazilian territory;

III - foreign professional on mission in the service of an international organization, provided that it is identified;

IV - foreign employee accredited to the Brazilian Government; and

V - foreign:

a) spouse, partner, son, father or curator of a Brazilian;

b) whose entry is specifically authorized by the Brazilian Government in view of the public interest or for humanitarian reasons; and

c) holder of a National Migration Registry; and

VI - cargo transportation.

§ 1 The restrictions provided for in this Ordinance do not prevent the entry, by air or waterway, of sea crew to exercise specific functions on board a vessel or platform operating in jurisdictional waters, provided that the migratory requirements appropriate to their condition are observed, including to carry an entry visa, when required by the Brazilian legal system.

§ 2 The restrictions provided for in this Ordinance do not prevent the disembarkation, authorized by the Federal Police, of maritime crew for medical assistance or for connection of air return to the country of origin related to operational issues or termination of employment contract.

§ 3 The authorization referred to in § 2 is subject to a term of responsibility for the expenses resulting from the transshipment signed by the maritime agent, with prior consent of the local health authorities, and the presentation of the corresponding air tickets.

§ 4 In the event of entry into the country by road, other land or waterway transport, the exceptions referred to in item II and paragraphs "a" and "c" of item V of the **caput** do not apply to foreigners from Bolivarian Republic of Venezuela.

Art. 4 The restrictions mentioned in this Ordinance do not prevent:

I - the execution of cross-border humanitarian actions previously authorized by the local health authorities;

II - the traffic of border residents in twin cities, upon presentation of a border resident document or other supporting document, provided that reciprocity in the treatment of Brazilians by the neighboring country is guaranteed; and

III - the free traffic of road cargo transportation, even if the driver does not fit the role referred to in art. 3, in the manner provided for in the legislation.

Single paragraph. The provisions of item II of the **caput** do not apply to the border with the Bolivarian Republic of Venezuela.

Art. 5 Exceptionally, the foreigner who is in a land border country and needs to cross it to board a flight back to his country of residence may enter the Federative Republic of Brazil with authorization from the Federal Police.

Single paragraph. In the event provided for in the **caput**:

I - the foreigner must go directly to the airport;

II - there must be an official demand from the embassy or consulate of the country of residence; and

III - the corresponding air tickets must be presented.

Art. 6 The restrictions referred to in this Ordinance do not prevent foreigners from entering the country by land between the Federative Republic of Brazil and the Republic of Paraguay, provided that the migratory requirements appropriate to their condition are observed, including that of having a visa. entry, when required by the Brazilian legal system.

Article 7. The restrictions referred to in this Ordinance do not prevent foreigners from entering the country by air, provided that the migratory requirements appropriate to their condition are observed, including that of having an entry visa, when required by the Brazilian legal system.

§ 1 For the purposes of the **caput**, the traveler of international origin, Brazilian or foreign, must present to the airline responsible for the flight, before boarding:

I - supporting document for carrying out an **RT-PCR** laboratory test, for screening for infection by the coronavirus **SARS-CoV-2 (covid-19)**, with negative or non-reactive result, carried out in the seventy-two hours prior to the moment of embarkation, observing the following criteria:

a) the document must be presented in Portuguese, Spanish or English;

b) the test must be carried out in a laboratory recognized by the health authority of the country of departure;

c) in the event of a flight with connections or stopovers where the traveler remains in a restricted area of the airport, the seventy-two-hour period will be considered in relation to boarding the first leg of the trip;

d) the traveler who performs a migration that exceeds seventy-two hours since the **RT-PCR** test must present a document proving the performance of a new test with a negative or non-reactive result for the coronavirus **SARS-CoV-2 (covid-19)** at check-in in for departure to the Federative Republic of Brazil;

e) children under the age of twelve who are traveling accompanied are exempt from presenting proof of laboratory test **RT-PCR** provided that all companions present supporting documents of laboratory test with the result of a negative or non-reactive **RT-PCR** test for the coronavirus **SARS-CoV-2 (covid-19)**, performed in the seventy-two hours prior to the moment of embarkation;

f) children aged two or over and under twelve who are traveling unaccompanied must present a document proving that the **RT-PCR** laboratory test has been carried out with a negative or non-reactive result for the coronavirus **SARS-CoV-2 (covid-19)**, carried out in the seventy-two hours prior to the moment of departure;

g) children under the age of two years are exempt from presenting a document proving the realization of an **RT-PCR** laboratory test for travel to the Federative Republic of Brazil;

h) aircraft crew members are exempt from presenting a document proving the realization of **RT-PCR** laboratory test, as long as they comply with the following protocol:

1. absence of social contact and self-isolation while remaining on Brazilian soil when traveling between the airport and the hotel, when necessary - the air operator must provide the displacement between the aircraft and the individual crew accommodations in a private means of transport and ensure that hygiene are applied and that the physical distance between people is ensured from the origin to the destination;

2. absence of social contact and self-isolation while staying on Brazilian soil in the accommodation - the crew must remain in residence or in a hotel room, in the latter case, the following must be observed:

2.1 accommodation will be occupied by only one crew member;

2.2 the accommodation will be cleaned before and after its occupation;

2.3 the crew will not use the hotel's common facilities;

2.4 the crew will have meals in the accommodation;

2.5 if hotel room service is not available, the crew will request a "to go" meal;

3 health care and self-monitoring the crew must:

3.1 regularly monitor symptoms, including fever and other symptoms associated with the coronavirus **SARS-CoV-2 (covid-19)**;

3.2 avoid contact with the public and other crew members;

3.3 stay in the hotel room, except to seek medical attention or to perform activities considered essential;

3.4 wash your hands often with soap and water when possible, or use alcohol in gel,

3.5 wear a mask; and

3.6 observe physical distance when it is necessary to leave the hotel;

4. in cases of symptoms - if the crew presents symptoms associated with the coronavirus **SARS-CoV-2 (covid-19)** in the Brazilian territory, it must:

4.1 communicate the fact to the air operator;

4.2 seek medical assistance to assess possible involvement by **SARS-CoV-2 (covid - 19)**; and

4.3 in case of a positive result, cooperate with additional monitoring, in accordance with the protocols adopted by the local health system;

5. occupational health - the following measures will be adopted:

5.1 those responsible for the occupational health programs of the air operators will maintain permanent contact with the crews, in order to ensure the self-monitoring by their employees and the execution of health protocols that reduce risk factors associated with exposure to **SARS-CoV-2 (covid-19)**; and

5.2 the air operator will implement an education program in order to guide the crews on the sanitary measures to be adopted during the period of confrontation with **SARS-CoV-2 (covid-19)**;

6. crew health management plan - air operators are responsible for:

6.1 develop and maintain a permanent health management plan for the crew, with the risk assessment regarding the crew's exposure to **SARS-CoV-2 (covid-19)**;

6.2 demonstrate, whenever requested, supporting documentation for the implementation of mitigation measures for **SARS-CoV-2 (covid-19)**, without prejudice to the inspection, monitoring and control actions to be performed by the competent authorities; and

II - proof, printed or electronically, of completing the Traveler's Health Declaration - THD in the seventy-two hours preceding departure to the Federative Republic of Brazil, with the agreement on the sanitary measures that must be complied with during the period in which in the country.

§ 2. The traveler referred to in this article will be exempt from complying with the measures established in Paragraph 1 in the event of technical stops, in Brazilian territory, of aircraft coming from abroad, as long as there is no landing of travelers without prior authorization from the health authority.

§ 3. International flights to the Federative Republic of Brazil originating in or passing through the United Kingdom of Great Britain and Northern Ireland and the Republic of South Africa are prohibited on a temporary basis.

§ 4. The authorization of boarding to the Federative Republic of Brazil as a foreign traveler, coming from or passing through the United Kingdom of Great Britain and Northern Ireland and the Republic of South Africa in the last fourteen days, is temporarily suspended.

§ 5 The migratory authority, at the provocation of the health authority, may prevent the entry into Brazilian territory of persons not listed in art. 3 that do not meet the requirements set out in § 1 or who fail to comply with the provisions of § 4.

§ 6 The traveler who falls under the provisions of art. 3rd, with origin or history of passing through the United Kingdom of Great Britain and Northern Ireland and the Republic of South Africa in the last fourteen days, when entering the Brazilian territory, must remain in quarantine for fourteen days.

Art 8. Failure to comply with the provisions of this Ordinance will imply, for the offending agent:

I - civil, administrative and criminal liability;

II - repatriation or immediate deportation; and

III - disqualification of asylum applications.

Art. 9 Normative acts and technical guidelines may be prepared by the Ministries in order to complement the provisions contained in this Ordinance, provided the Ministry's scope of competence is observed.

§ 1 The regulatory bodies may issue guidelines complementary to the provisions of this Ordinance, including health rules on services, procedures, means of transport and operations.

§ 2 The technical guidelines issued by the Ministries and by Organs regulatory bodies before the entry into force of this Ordinance remain valid.

Art. 10. Ministries will be able to refer to the Civil House of the Presidency of the Republic, in a reasoned manner, cases omitted in this Ordinance and requests for exceptional cases, regarding the fulfillment of sanitary determinations, to attend to the public interest or humanitarian issues.

§ 1 The Presidency of the Republic's Civil House shall request, within a period appropriate to the urgency of the demand, the manifestation:

I - Anvisa;

II - other bodies whose thematic relevance is related to the case, if deemed necessary; and

III - of the Ministries signatory to this regulation.

§ 2 The decision, by consensus, of the signatory Ministries will be communicated by the Civil House of the Presidency of the Republic.

Art. 11. Ministries, within the scope of their competencies, shall adopt the necessary measures to comply with the provisions of this Ordinance.

Art. 12. Ordinance 651, of 8th of January 2021, of the Ministers of State Head of the Civil House of the Presidency of the Republic, of Justice and Public Security and of Health is hereby revoked.

Art. 13. This Ordinance comes into force on the date of its publication.

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Republic
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