

Global BRIEF Immigration Alert | January, 31 2012



Global BRIEF



BRAZIL | Continued Delays in Renewing Employment Agreement Visas

As an update to our prior alert clients are advised that the Ministry of Justice (MOJ) has not yet issued final guidance on permitting traditional renewal of employment agreement (Normative Resolution #80 or "NR#80") visas.

The Brazilian National Immigration Council's decision to uphold Normative Resolution #96 to permit extension of NR#80 visas continues to be contested by the MOJ. In an effort to arrive at a final policy, attorneys representing the Brazilian Federal Government will press for a legal resolution with the MOJ.

What's Changed?

Due to the inaction by the MOJ, there is confusion as to whether foreign nationals requiring to renew their visas should file a traditional renewal application directly with the MOJ or to file an application to "transform" their NR#80 status with the local Federal Police ("transformation" of status applications are typically filed with the Federal Police office in the applicant's city of residence).

It is reported that certain Federal Police precincts are refusing to accept transformation applications due to questions over policy and directing applicants to file traditional visa renewal applications with the MOJ.

Action Items For Employers

The Brazilian Government has been made well aware of the number of NR#80 visa renewal applications pending approval by the MOJ. In addition, given the apparent hesitation by Federal Police to accept "transformation" applications, it is suggested that companies needing to file timely NR#80 visa renewal applications consult directly with their Brazilian immigration suppliers and file these applications with the MOJ.

Companies should also be aware that final resolution by the Brazilian Government and the MOJ may be a lengthy process (i.e., weeks or months) and occur with little to no advance notice.

In the meantime, it is important that assignees and family members receive and/or

possess their receipts ("protocolos") confirming the filing of their renewal application. This will permit their ability to continue working and residing in Brazil in implied status along with facilitating overseas travel.

Assignees and family members should be reminded to confirm that their primary work/residence visas remain valid during their travel outside Brazil. Foreign nationals who have expired work/residence visas and who do require a visa to enter Brazil must obtain a new tourist visa.

Pro-Link GLOBAL will continue to monitor this situation and advise accordingly.

Caveat Lector | Warning to Reader

This content is provided for general information purposes only and does not constitute legal advice or final guidance for any immigration matter. Readers are reminded that a country's immigration laws and requirements may change with little to no advance public notice. Questions regarding specific immigration matters should be addressed to your Pro-Link GLOBAL specialist.

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