

Circular From GARD

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Fines in Brazil

Fines for breaches of immigration laws and port health regulations continue to take their toll in Brazil and common causes of the fines are reportedly crew overstays and problems with ship sanitation control certificates.

Brazil has previously been identified by Gard as a jurisdiction where fines are frequently imposed on shipowners, see [Gard Insight Article from 2013](#). According to one of Gard's correspondents in Brazil, Representações Proinde (Norte) Ltda., there are still numerous instances where crewmembers and shipowners are fined for offences which could easily have been avoided - such as crew overstays and invalid ship sanitation certificates.

Crew overstays

Crew overstays, i.e. foreign crewmembers staying beyond the time period they are permitted to stay in Brazil without a visa, are reportedly a common cause of fines being imposed by the Brazilian immigration authorities. According to the correspondent, crewmembers are fined on the basis of the number of days in excess of their allowed stay while shipowners are fined for each overstaying crew member. A penalty of deportation can also be imposed in case of non-compliance.

In accordance with Brazilian immigration law, foreign nationals can normally enter Brazil without a visa and will be allowed to stay in the country for a certain period of time. The permitted length of stay is calculated from the first point of entry into Brazil and is typically between 30 and 90 days, depending on factors such as nationality, purpose of visit, etc. Foreign crewmembers working on vessels engaged in the Brazilian cabotage trade are, however, required to hold a special visa and have a 30 day period of grace to obtain the required visa.

Members and clients calling at Brazilian ports, or chartering ships to Brazilian shipping firms, are advised to familiarise themselves with Brazilian immigration laws and inform their Masters accordingly. In order to avoid deportation notices and fines, Masters should be instructed to closely monitor the maximum time each crewmember is allowed to stay in Brazil and report to the local agent, at least five days prior to any expiry date, in order to allow the necessary actions to be taken. The expiry date is stamped at the bottom of each crewmember's immigration (entry/exit) card.

Additional advice and background information can be found in the [correspondent's circular of 26 May 2016](#).

Invalid ship sanitation certificates

Gard's correspondent reports that the most frequent cause of ships not obtaining free pratique in Brazilian ports is failure to produce valid ship sanitation control certificates (SSC). Our correspondent states that

the number of such cases is increasing and often result in delays and extra costs for the shipowners.

As a State Party to the World Health Organization's (WHO) International Health Regulations of 2005 ([IHR](#)), Brazil's health authorities (Agência Nacional de Vigilância Sanitária, [ANVISA](#)) requires ships in transit or entering Brazilian ports to provide a valid ship sanitation control certificate (SSC) as part of the arrival documents. The SSC identifies and records all areas of ship-borne public health risks (not limited to rodents), is valid for a maximum of six months and must be issued by an IHR authorised port.

Members and clients are advised to schedule renewal of the SSC well before its expiry date. For those calling at Brazilian ports, the local correspondent recommends to initiate the renewal process at least 40 days prior to expiry of the SSC for tramp vessels and at least 20 days for liner services, to ensure that the vessel is able to reach an IHR authorised port prior to expiry of the SSC. The [updated list of authorized ports found on the WHO website](#) should be consulted prior to making any renewal arrangements.

It is worth noting that in Brazil, ANVISA issues, and extends, SSCs in all major ports for a fixed fee payable through the official banking system - no cash payment is to be made to the health inspectors.

Additional advice and background information can be found in the [correspondent's circular of 16 May 2016](#) as well as in Gard Alert [Port health controls in Brazil](#) from 2011.

Source of Information: Gard P&I Club