

Circular From GARD

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New Immigration Controls For Seafarers Entering Brazil

A valid Seafarer Identity Document issued in accordance with ILO Convention 185 is the only “maritime identity document” that will be accepted as proof of the bearer’s eligibility for visa waiver by the Brazilian immigration authorities.

Reference is made to our alert “[Brazil – new migration law affecting seafarers](#)” of 31 May 2018.

The new Migration Law (Law 13,445 of May 2017) that entered into force in Brazil in November 2017 changed the country’s immigration policy and regulations. New visa categories were created, each with multiple types to serve specific purposes and some affecting seafarers entering the country. According to Gard’s local correspondents, the Brazilian Federal Police recently published a new regulation that aims to clarify the immigration controls for seafarers. A link to the new regulation in Portuguese is available [here](#) and an [English translation](#) has been provided by Gard’s correspondent Williams Brothers Ltda.

As a *general rule*, all foreigners require a visa to enter Brazil, including seafarers. A *visitor visa* allows a seafarer to stay for a period of up to 90 days per year and for periods exceeding 90 days, a *temporary work visa* must be obtained and registered with the Federal Police. However, please note the following exemptions and clarifications relevant for seafarers:

- As previously, seafarers holding a valid passport from a country that Brazil has visa exemption agreement with can stay for a period of up to 90 days per year without a visa (non-extendable).
- Seafarers that enter Brazil on a ship, or for the purpose of embarking on a foreign ship or platform, *and* carry a valid Seafarer Identity Document (SID) issued in accordance with the ILO Seafarers' Identity Documents Convention No.185 ([C185](#)), are permitted to stay for a period of up to 180 days per year without a visa. Those staying longer than the 180 days must obtain a temporary work visa.
- The period of stay is counted from the date of the first entry into Brazil to the date when the vessel leaves the last national port or the date when the seafarer is repatriated.
- Seafarers that enter Brazil to work onboard a Brazilian flagged ship or platform must, regardless of the term of employment and irrespective of him/her holding a C185 SID, obtain a temporary work visa.
- The Federal Police emphasizes that a Seaman’s Book (Seafarer’s Service Book or Discharge Book) is *not* the same document as a C185 SID. The Seaman’s Book represents a proof of qualification

and experience rather than a proof of identity as it may not attain the security level of identity documents, e.g. regarding protection against forgery.

- The Federal Police also makes it clear that SIDs issued under ILO Convention 108 ([C108](#)), are no longer accepted as valid identification documents for visa exemptions.

Gard's local correspondent, Representações Proinde Ltda has published a useful guide on how the new immigration regulations apply to seafarers. This guide aims to provide a practical overview of the main regulatory aspects related to foreign seafarers in Brazil in the light of the new legal framework. The guide was updated in November 2020 and can be downloaded from [Proinde's website](#).

Members and clients trading to Brazilian ports are advised to familiarise themselves with Brazil's immigration laws and inform their Masters accordingly. In order to avoid deportation notices and fines, Masters should be instructed to closely monitor the amount of time each crewmember has stayed in Brazil and report to the local agent well in advance of the limit being reached in order to ensure there is sufficient time for any visa applications to be submitted.

We are grateful to our Brazilian correspondents Williams Brothers Ltda and Representações Proinde Ltda for providing the above information.

Source of Information: The Gard P&I Club