

Circular From GARD

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Stricter Immigration Controls For Seafarers Entering Brazil

Now In Force

Following Brazil's ratification of ILO Convention 185, only seafarers' identification documents issued by ILO Convention 185 member states are accepted as valid travelling documents by Brazil, without the need for a visa.

We have received numerous enquiries from Members regarding the new immigration controls for seafarers entering Brazil, with some even having been fined for non-compliance. Members and master of vessels trading to Brazilian ports are advised to familiarize themselves with the new immigration regulations to avoid deportation notices and fines.

Stricter immigration controls for seafarers

The Brazilian immigration authority (Federal Police) previously accepted a "seaman's book", i.e. seafarer discharge book or seaman's service book, usually issued under [ILO Convention 108](#) (C108) as a valid seafarer's identity document (SID) and a stand-alone travel document for the purpose of temporary visa exemption. However, the ratification by Brazil of [ILO Convention 185](#) (C185) has resulted in the automatic denunciation of C108. Only SIDs issued by [ILO C185 member states](#) are now legally valid in Brazil as a travel document to exempt working seafarers from the need for a visa, regardless of nationality. No crew change will be permitted by the Federal Police without an ILO C185 SID, or a valid passport with a visa.

Our alert published in 2020 sets out the [new immigration controls for seafarers entering Brazil](#).

As highlighted in our correspondents [Proinde's recent circular](#), because of the Covid-19 pandemic and in response to an ILO resolution on maritime labor issues, the Federal Police relaxed the immigration rules and granted successive grace periods for C108 SIDs. However, since 1 May 2023, all seafarers arriving in the country on a vessel or by plane must hold an ILO C185 SID. Those seafarers who do not possess an ILO C185 SID, either because their country of citizenship has not ratified the Convention or they have not renewed their existing SID, can enter the country with a passport. If so, whether or not a visa will be required depends on the seafarer's nationality. [A table setting out the visa requirements](#) can be found on the Brazilian Ministry of Foreign Affairs website where you can check whether you will need a visit visa (VIVIS) for short stays.

Countries that have bilateral agreements with Brazil

In the specific case of Chinese seafarers, given that China has not ratified the ILO C185 Convention, they will need to present a passport with a visit visa. However, Brazil has a Maritime Transport Agreement with China (Decree 85,314/1980), which applies to vessels flying the respective countries' flags, or ships chartered to Brazilian or Chinese companies. This agreement provides that crewmembers possessing their national document ("Seafarer's Passport" in the case of China) can go ashore and disembark for **emergency medical assistance but cannot leave the town where the vessel is berthed**. For example, if a Chinese-flagged vessel crewed by Chinese seafarers arrives in Itaguaí, seafarers will be permitted shore leave but cannot travel to Rio de Janeiro to catch their flight. Similarly, no crewmember will be allowed to arrive by air into Rio de Janeiro and travel onwards to Itaguaí unless they obtain a visa at a Brazilian consulate abroad.

We understand some flag states are in discussions with the Brazilian authorities regarding entering into bilateral agreements covering seafarers. However, even if bilateral agreements are signed, it remains to be seen whether they will apply to seafarers of all nationalities.

Penalties for non-compliance

If a crewmember does not have either an ILO C185 SID or a passport with a visit visa as required, the Federal Policy can levy fines ranging from BRL 1,000 (around USD 200) to BRL 10,000 (around USD 2,000). The penalty is typically around BRL 1,000 per crewmember, but the immigration authority may, in extreme cases, order the deportation of any seafarer who does not hold a valid travel document. The penalty can be increased exponentially in case of reoffending.

Recommendations

Based on the available information, we would recommend:

- Seafarers from states that have ratified the ILO C185 apply for the ILO C185 SID before signing onboard if they are going to work on vessels trading to Brazil.
- Make sure onboard seafarers have valid original seafarers' identity documents issued by the flag authority, regardless of whether the flag state is an ILO C185 member state.
- Maintain close communication and cooperation with the vessel's local agent.

Source of Information: The Gard P&I Club