

GLOBAL MOBILITY RETROSPECTIVE

JANUARY

BRAZIL AND CHINA SIGN TOURISM AND BUSINESS VISA AGREEMENT

On January 19, 2024, an agreement was signed between Brazil and the People's Republic of China, doubling the maximum length for tourism and business trips on ordinary passports to Brazil. The agreement was signed between Brazilian Minister Foreign Affairs Mauro Vieira and Chinese Minister of Foreign Affairs Wang Yi.

The agreement, which came into force in February, permits the consular authorities of both countries to issue visas valid for up to 10 years—double the previous maximum period.

This agreement does not apply to individuals who travel for the purpose of working, for journalistic purposes, to study, or for missionary or religious activities.

The agreement aims to facilitate travel, promote business, and boost tourism between the two countries.

FEBRUARY

CHANGES TO PORTUGUESE CITIZENSHIP LAW COULD BENEFIT THOUSANDS OF BRAZILIANS

In February, the Portuguese Parliament approved an amendment to Article 15 of the Portuguese Nationality Law.

The change affects thousands of Brazilians, as it modifies the five-year deadline for applying for citizenship. Under the new rule, this period would start from the moment the application is made, recognizing the time that families spend waiting for a residence permit in the country, ensuring that this period is also taken into account in the count for obtaining citizenship.

Under the previously existing rules, the five-year period begins from the moment the foreigner receives the residence permit.

The text must be sanctioned by the President of the Republic and implemented by the legislature in order to take effect.

LAWSUIT BY THE FEDERAL PUBLIC DEFENDER'S OFFICE ENSURES MIGRANTS IN BRAZIL ARE INCLUDED IN THE NATIONAL TRANSPLANT QUEUE

Since March 1, 2024, every migrant living in Brazil—whether permanent or temporary—has had the legal right to have their name included in the Unified Health System's queue for transplants of organs, tissues, cells, or other parts of the human body.

The decision stems from a Public Civil Lawsuit by the Federal Public Defender's Office (DPU), decided by the Federal Court of Ceará on February 20, 2024..

The lawsuit was filed after the DPU received a request for legal assistance from a Venezuelan woman who requested a liver transplant denied by the Unified Health System (SUS). As there had already been three other cases of this type in the last two years, the then-regional human rights defender in Ceará filed an urgent public civil lawsuit with the Federal Court on January 31, 2024.

The judge who signed the decision, Jorge Luís Girão Barreto, head of the 2nd Federal Court of Ceará, recognized "the substantial unconstitutionality of the norm of Article 38, of Annex I, of Consolidation Ordinance No. 4 of 2017, of the Minister of Health, where the Ministry had determined that only migrants with permanent residence would have access to organ transplants, for violation of the norms of articles 5 and 196 of the Federal Constitution".

The main argument used by the defense was Article 5 of the Federal Constitution itself, which states that "everyone is equal before the law, without distinction of any kind, guaranteeing Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, security and property".

In addition, the Federal Court also ruled that the Union may incur a fine of 10,000 reais per week in the event of non-compliance or delay in including migrants in the transplant queue. These fines could reach 50,000 reais.





APRIL

EXEMPTION FROM VISA REQUIREMENT TO VISIT BRAZIL EXTENDED TO APRIL 10, 2025 FOR NATIONALS OF THE USA, CANADA AND AUSTRALIA

By Decree No. 11.982 of April 9, 2024, the federal government extended the visa exemption for tourists from the United States, Australia and Canada for another year.

This decree revoked Decree No. 11.875 of January 4, 2024, which would have reinstated the requirement on April 10, 2024.

The visit visa requirement for nationals of the USA, Canada and Australia had been repealed by Decree No. 9.731 of March 16, 2019. However, Decree No. 11.515, of May 2, 2023, reinstated the requirement.

According to Minister of Tourism Celso Sabino, the new deadline will also be important to ensure the full implementation of the electronic visa.

Sabino said: "The government is committed to guaranteeing the full operation of the e-Visa, in order to make it easier for tourists to be issued their visas quickly and 100% digitally. This extension will contribute to the organization and protection of the sector."

The Parliament began discussing Legislative Decree 140/23, which exempts tourists from the United States, Canada and Australia from having to obtain a visa to enter Brazil.

According to the president of the chamber, it is hoped that the requirement will not be resumed, in order to encourage tourism in the country.

ETIAS REQUIREMENT FOR ENTRY INTO SCHENGEN AREA EXPECTED TO BEGIN IN 2025

The travel rules for most European countries have changed. From the first half of 2025, around 1.4 billion people from more than 50 visa-free countries, including Brazil, will be required to have travel authorization to enter 30 European countries for a stay of up to 90 days.

The ETIAS (Electronic Travel Authorization System) is used to issue entry permits for tourists traveling to any of the member countries of the European Union. This new automated system is available to citizens of countries that are not part of this bloc, and who do not need a visa to enter the Schengen Area, consisting of 29 European countries.

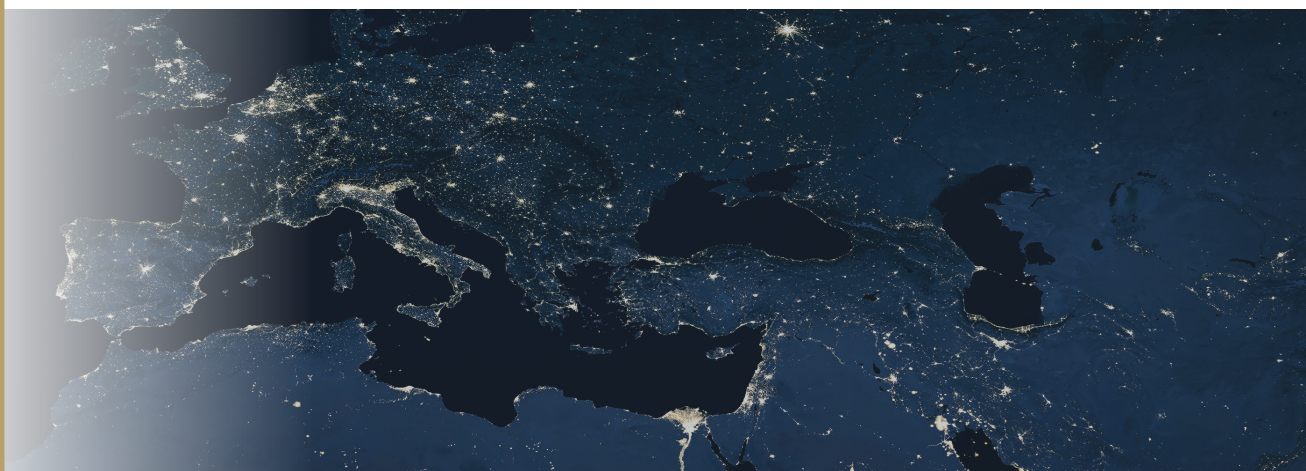
Once the system is in place, citizens interested in obtaining the ETIAS must fill in the application form on the official ETIAS website and pay a fee of approximately 7 EUR. Some travelers may be exempt from this fee.

Once the application has been submitted, it should be processed within a few minutes; however, it may take longer. Processing can take up to 4 days if all the required documentation has been submitted, but the deadline can be extended by up to 14 days if additional information or documentation is needed. For this reason, it is recommended that the application is made well in advance of the planned trip. The approval or rejection of the application will be sent by e-mail. In the event of a refusal, the message will state the reasons for the decision, including information on how and when to appeal.

The ETIAS will be valid for three years, or until the expiration of the travel document used in the application—whichever comes first—and will allow travelers to stay in European countries that require ETIAS for a maximum of 90 days per 180-day period.

This authorization will not guarantee a foreigner's entry into the Schengen Area, since, upon arrival in the destination country, immigration will ask for the tourist's passport—as well as other necessary documents—to ensure they meet the entry conditions.

Once this regulation comes into force, travelers from Brazil and more than 50 other countries must be prepared to comply with it, in order to offer more security to European citizens and foreign tourists.



JUNE

VENEZUELAN, CHINESE AND INDIAN CITIZENS ISSUED MOST BRAZILIAN VISAS

In June 2024, Venezuelan citizens were the primary nationality to obtain authorization to reside in Brazil, with 8,860 people. Chinese and Indian citizens also benefited from visas, with 4,891 and 1,216 people, respectively.

JULY

200TH ANNIVERSARY OF GERMAN IMMIGRATION TO BRAZIL

On July 25, 1824, the first 39 German immigrants arrived in the then-colony of São Leopoldo, in Rio Grande do Sul.

In the intervening 200 years, German immigrants have contributed to the development not only of the state of Rio Grande do Sul, but the whole of Brazil.

Brazil and Germany have been partner countries ever since, and there are now more than a thousand German companies operating in the country.

AUGUST

MINISTRY OF JUSTICE LIMITS ENTRY OF IMMIGRANTS WITHOUT VISAS INTO BRAZIL

The Ministry of Justice and Public Security has determined that, as of August 26, 2024, passengers who remain in the international transit area at Brazilian airports with international connections will not be admitted and must continue their journey or return to their place of origin, if they do not have a visa to enter Brazilian territory.

The authorities clarified that passengers who are not admitted in these instances will not be deported, as Brazil is an intermediary country and not the final destination.

The measures will only apply to nationals arriving in Brazil whose nationality require a visa, and who do not have Brazil as their final destination.

The measure was adopted by the MJSP after the Brazilian Federal Police identified that immigrants without proper documentation are a target for criminal human trafficking organizations. The Ministry pointed out that “the Federal Police have identified that travelers in this situation are guided by criminal organizations to resort to the request for refuge to enter Brazilian territory, unduly replacing the need for a visa to enter Brazil.”



ELECTRONIC VISA REQUIREMENT ENACTED FOR ENTRY TO THE UK

Beginning January 8, 2025, the United Kingdom will require an electronic visa (ETA) for entry by foreigners of certain nationalities, including Brazilians.

The process involves filling in an online form and paying a fee. An ETA will allow citizens to travel to the United Kingdom for a visit of up to six months as a tourist, and will be valid for two years. This visa will be required for entry via all types of transport.

RESIDENCE PERMIT FOR IMMIGRANTS WHO HAVE COMPLETED A DEGREE IN BRAZIL

CNIG/MJSP Resolution No. 50 of June 27, 2024 came into effect on October 2024, establishing guidelines for granting residence permits to immigrants who have completed undergraduate or postgraduate degrees in Brazil, and who currently reside in the country.

In recent years, many qualified professionals trained in the Brazilian education system, did not fit into any of the existing migratory criteria. Luana Medeiros, director of the Migration Department at Senajus (National Justice Secretariat), said the new resolution will meet this demand and make it easier for qualified people to stay in Brazil on a regular basis. In addition, CNIG's executive secretary Jonatas Pabis said these professionals will provide significant economic and social contributions to the country.

In order to obtain this residence permit, the immigrant must have completed most of their undergraduate or postgraduate degrees at a Brazilian institution approved by the Ministry of Education, and completed the assessment process in person.

The terms of this Resolution will not apply to students participating in the Federal Government's Student-Graduation Agreement (PEC) and the University for the International Integration of Afro-Brazilian Lusophony (UNILAB) programs, unless they have completed the obligations of the program in their country of birth.

The application for a residence permit can be submitted at any time by the immigrant or the contracting company by presenting documents such as a diploma, academic transcripts, an employment contract, and criminal record certificates. In the case of professions requiring specific qualifications, the immigrant must complete all the steps before starting their professional activities.

The permit will initially be granted for a period of up to two years, with the option of changing it to an indefinite period upon request and proof of need, as well as presentation of the required documents.

This residence permit will be suspended in the event of: the termination of the grounds on which the residence permit was granted; the obtaining of a residence permit on another basis; or absence from the country for a period of more than two years without justification.

LEGISLATIVE PROJECT FACILITATING REACQUISITION OF BRAZILIAN CITIZENSHIP UNDERWAY

The Foreign Relations and National Defense Committee of the Chamber of Deputies recently approved Bill 6.017/23, which regulates applications for reacquisition of Brazilian citizenship by natural-born Brazilians who have voluntarily renounced it. The measure reflects the changes brought about in 2023 by Constitutional Amendment 131, which represented a milestone in Brazilian nationality law, eliminating the automatic loss of nationality by natural-born Brazilians who acquire another citizenship.

The approved project amends the Migration Law (13.445/2017), proposing that native Brazilians who have renounced their citizenship can apply to reacquire it, without having to undergo the naturalization process.

If the project advances, requests for reacquisition of nationality will need to be sent to the competent body of the Executive Branch, indicating the act that resulted in the loss of citizenship.

MDIC AND MINISTRY OF JUSTICE CONSIDER FACILITATING VISAS FOR INVESTORS IN THE GREEN ECONOMY

The National Immigration Council (CNIg) has approved the creation of a specialized chamber to study a proposal to facilitate visas and residence permits for foreigners wishing to invest in green-economy sectors in Brazil. Made up of five members, this chamber is tasked with carrying out studies and presenting proposal for a resolution.

The aim of the organization is to attract new investors related to qualified projects, generate employment and income, provide access to new technologies, and consolidate the culture of sustainable development, aiming to have positive impacts on society.

National Secretary of Justice Augusto de Arruda Botelho stated, "This initiative reflects the Council's openness to a broader debate on Brazilian migration policy in line with Brazil's international and environmental agenda".

Rodrigo Rollemberg, MDIC's Secretary for Green Economy, Decarbonization and Bioindustry, said: "The migratory visa is crucial for attracting international talent specializing in sustainability and green technologies, promoting innovation and sustainable economic growth."

If approved, the initiative will mark the first program in the world specifically aimed at attracting foreign professionals associated with sustainability.



BRASÍLIA

SCS QUADRA 9, BLOCO A, TORRE B,
ED. PARQUE CIDADE CORPORATE,
SALAS 503/504
BRASÍLIA - DF
70308-200
T + 55 61 3221 4310
F + 55 61 3221 4311

RIO DE JANEIRO

AV. OSCAR NIEMEYER, 2.000
AQWA CORPORATE, 15º ANDAR
RIO DE JANEIRO - RJ
20220-297
T +55 21 2127 4210
F + 55 21 2127 4211

SÃO PAULO

AV. PRESIDENTE JUSCELINO
KUBITSCHKE, 1.455
6º ANDAR
SÃO PAULO - SP
04543-011
T +55 11 2504 4210
F +55 11 2504 4211

VITÓRIA

AV. NOSSA SENHORA DOS
NAVEGANTES, 451
17º ANDAR, CONJ 1703
VITÓRIA - ES
29050-335
T +55 27 2123 0777
F + 55 27 2123 0780

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