

OFFICIAL DIARY OF THE UNION

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Body: Presidency of the Republic / Civil House

Ordinance No. 255, OF MAY 22, 2020

It provides for the exceptional and temporary restriction on the entry of foreigners into the country, of any nationality, as recommended by the National Health Surveillance Agency Anvisa.

THE CHIEF MINISTERS OF THE CIVIL HOUSE OF THE PRESIDENCY OF THE REPUBLIC, JUSTICE AND PUBLIC SECURITY, INFRASTRUCTURE AND HEALTH, in the use of the powers conferred on them by art. 87, sole paragraph, items I and II, of the Constitution, and art. 3rd, art. 35, art. 37 and art. 47 of Law No. 13,844, of June 18, 2019, and in view of the provisions of art. 3rd, **caput**, item VI, of Law No. 13,979, of February 6, 2020, and

Considering the declaration of public health emergency of international importance by the World Health Organization on January 30, 2020, due to human infection with the coronavirus **SARS-CoV-2 (Covid-19)**;

Considering that it is a principle of the National Public Security and Social Defense Policy, provided for in item VI of **caput** of art. 4 of Law No. 13,675, of June 11, 2018, the effectiveness in preventing and reducing risks in emergency situations that may affect people's lives;

Considering the need to make health measures effective in response to the AIDS pandemic **Covid-19** provided for in Ordinance No. 356 / GM / MS, of March 11, 2020, of the Ministry of Health; and

Considering the manifestation of the National Health Surveillance Agency - Anvisa, with the recommendation of an exceptional and temporary restriction on entry into the country,

RESOLVE:

Article 1 This Ordinance provides for the exceptional and temporary restriction on the entry of foreigners of any nationality into the country, pursuant to the provisions of item VI of **caput** of art. 3rd of Law nº 13,979, of February 6, 2020.

Art. 2 It is restricted, for a period of thirty days, the entry into the country of foreigners of any nationality, by road or other terrestrial means, by air or by water transport.

Single paragraph. The period referred to in **caput** it may be extended, if necessary, according to the technical and reasoned recommendation of the National Health Surveillance Agency - Anvisa.

Art. 3 The restriction referred to in this Ordinance stems from Anvisa's technical and reasoned recommendation for health reasons related to the risks of contamination and dissemination of the coronavirus **SARS-CoV-2 (Covid-19)**.

Art. 4 The restriction referred to in this Ordinance does not apply to: I - Brazilian, born or naturalized;

II - immigrant with permanent residency, for a fixed or indefinite period, in Brazilian territory;

III - foreign professional on mission at the service of an international organism, as long as duly identified;

IV - passenger in international transit, as long as he does not leave the international area of the airport and the country of destination admits his ticket;

V - foreign employee accredited to the Brazilian Government; and

VI - foreigner:

a) spouse, partner, son, father or curator of a Brazilian;

b) whose entry is specifically authorized by the Brazilian Government in view of the interest public or for humanitarian reasons; and

c) bearer of the National Migration Registry. VII - cargo

transportation.

§1º The fence contained in art. 2nd does not prevent the entry and permanence of the crew and employees of airline companies in the country for operational purposes, even if foreign.

§2º In the application of the provisions of item IV of **caput**, in the event of a delay of more than six hours or flight cancellations, the carrier will observe the need for material assistance to travelers, including food and lodging, and submit to the Federal Police for evaluation the exceptional need for accommodation outside the restricted area of the airport .

§3º The carrier and the airport operator are responsible for ensuring that the passenger remains in a restricted area in the event provided for in item IV of the caput, under the supervision of the Federal Police.

§4º In the event of waterway transportation, disembarkation will be exceptionally authorized if medical assistance is required or for connection by air return to the country of origin.

§5º The hypotheses dealt with in item II and items "a" and "c" of item VI of **caput** do not apply to foreigners from the Bolivarian Republic of Venezuela.

Art. 5 The fence contained in art. 2nd does not prevent:

I - the execution of cross-border humanitarian actions previously authorized by the local health authorities;

II - the traffic of border residents in twin cities, upon presentation of a border resident document or other supporting document, provided that reciprocity in the treatment of Brazilians by the neighboring country is guaranteed;

III - the free traffic of road cargo transportation, even if the driver does not fit the role of art. 4th, in the form of the legislation;

IV - the continuity of transportation and cargo disembarkation, without the disembarkation of crew members, except for medical assistance or for connection of air return to the country of origin related to operational issues or termination of employment contract;

V - river and air cargo transportation;

VI - technical landing to refuel, when there is no need to disembark passengers of restricted nationalities;

VII - the entry and stay of a foreign maritime crew member with an international seafarer card issued under the terms of the International Labor Organization Convention, whose entry is required by the maritime agent to the Federal Police, for the exercise of specific functions on board a vessel or platform operating in jurisdictional waters.

§1º The provision in item II of **caput** it does not apply to the border with the Bolivarian Republic of Venezuela.

§2º The disembarkation of crew members mentioned in item IV will be allowed by the Federal Police through a term of responsibility for the expenses resulting from the transshipment confirmed by the relevant maritime agent, after prior consent of the local health authorities, and the corresponding air tickets must be presented.

Paragraph 3. The seafarer's identity card mentioned in item VII may be replaced by a passport that attributes the status of seafarer to its holder, provided that it is issued by a country signatory to the International Labor Organization Convention on the matter.

§4 The provision in item VII does not exempt the foreigner from the obligation to carry an entry visa appropriate to his condition as a sea crew member, when this is required by Brazilian law.

Art. 6 Exceptionally, the foreigner who is in one of the land border countries and needs to cross it to embark on a flight back to his country of residence may enter the Federative Republic of Brazil with authorization from the Federal Police.

Single paragraph. In the event provided for in **caput**:

I - the foreigner must go directly to the airport;

II - there must be an official demand from the embassy or consulate of your country of residence; and III - the corresponding air tickets must be presented.

Article 7. Failure to comply with the measures provided for in this Ordinance will imply for the offending agent: I - civil, administrative and criminal liability; II - repatriation or immediate deportation; and III - disqualification of asylum applications.

Art. 8 The restrictions provided for in this Ordinance do not exclude the powers of the regulatory bodies to issue additional rules, including sanitary rules on procedures, vessels and operations.

Art. 9 The cases omitted in this Ordinance will be decided by the Ministry of Justice and Public Security.

Art. 10. The following Interministerial Ordinances are hereby revoked:

I - Ordinance No. 201, of April 24, 2020 of the Ministers of State Chief of Staff of the Presidency of the Republic, Justice and Public Security, Infrastructure and Health;

II - Ordinance No. 203, of April 28, 2020, of the Ministers of State Chief of Staff of the Presidency of the Republic, Justice and Public Security, Infrastructure and Health; and

III - Ordinance No. 204, of April 29, 2020, of the Ministers of State Chief of Staff to the Presidency of the Republic, Justice and Public Security, Infrastructure and Health.

Art. 11. This Administrative Rule enters into force on the date of its publication.

WALTER SOUZA BRAGA NETTO

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