

A Few Ways to Legally Move to Brazil Without Having to Marry a Brazilian

Contributed by Alessandro Jacob
Sunday, 08 April 2007

Immigration visa to Brazil will be granted only to applicants who satisfy the special requirements established by the Brazilian National Immigration Council or the Ministry of Labor. In principle, there are seven cases in which a foreigner can obtain a permanent residence visa to Brazil:

The administrator, manager or director of a professional or business corporation

This category is designed to cover inter-company transfers. Thus, the applicant must already be employed outside of Brazil by the parent company or by an affiliate or subsidiary of the company that proposes to employ him inside Brazil. However, there is no minimum time for that previous employment. Necessary documents for the first step will include:

1-Proof that the applicant is employed outside Brazil by the parent company, or an affiliate or subsidiary of the Brazilian hiring company;

2-A demonstration that the Brazilian company is bringing in specialized labor that will transfer technology, increase productivity and/or bring social benefits;

3-Proof that the company outside of Brazil or its parent has effected total foreign-capital investments of at least US\$ 200,000 in the employing company in Brazil for each visa requested.

Administrator, manager or director of a start-up company

Planned and recent start-up companies may apply for a maximum of three visas, essentially for the executives who will get the operation off the ground. The following conditions will apply:

1-Proof that the non-Brazilian company has been in business outside of Brazil for at least five years;

2-Power of attorney granted by the foreign investor to its new legal representatives for the purposes of setting up the company in Brazil;

3-A visa of this type will be issued initially for two years. The applicant company must demonstrate that after this period it will be able to meet the minimum investment or job creation criteria laid down for transfers to an established company (see above).

Investor

Foreigners who wish to reside in Brasil in order to start an economical activity (company) may be granted a permanent visa by proving investment of foreign funds. While Brazil is recognized as an excellent business opportunity with over 170 million consumers, many companies are deterred by the language and perceived cultural differences.

There are indeed some obstacles to doing business in Brazil, but the barriers faced by foreign companies are not much different to those faced by domestic companies and are not a real deterrent to doing business.

A foreigner who intends to remain permanently in Brazil and will invest foreign funds in productive activities, so absorbing or training specialized labor.

This category was planned for those foreigners who wish to invest funds (minimum of US\$ 50,000) in any kind of productive activity in Brazil. This kind of permanent visa is issued conditionally for five years.

Before this period ends, the foreigner must show to the Federal Police that he accomplished with his plan of absorption of Brazilian employees and his investment plan so his visa can be re-validated. This investment has to be made in a Brazilian company and the funds can be used in the acquisition of real estate and other goods for the company.

The procedural steps are as follows:

1-Identify Brazilian resident partner to represent you;

2-Incorporate company (this takes 45-75 days in Rio de Janeiro). The company is a "Limitada". It is a personal corporate vehicle and is a hybrid between a partnership and a closed limited company;

3-Obtain CNPJ - Corporate tax registration;

4-Register the company with the Central Bank for foreign exchange;

5-Open bank account for company;

6-Transfer investment of US\$ 50,000 minimum;

7-Process permanent Visa;

8-Obtain RNE - Brazilian foreigners ID card;

A researcher or high level specialist

The applicant must supply:

A document from a Brazilian research institution manifesting its interest in the services of the researcher;

A curriculum vitae and appropriate academic references and diplomas.

Retiree

A retired foreigner, over 50, who will transfer to Brazil the monthly equivalent of at least US\$ 2,000. There is no limit to the number of dependents who may also receive permanent residence visas, but the main applicant must provide proof that they are genuine dependent relatives, as defined in Brazilian law - see Res. 4 of the CNI (National Immigration Council).

The main applicant must prove he has a pension of at least US\$ 2,000 a month. This will entitle him to visas for himself and two dependents. The applicant must demonstrate an additional US\$ 1,000/month for each additional dependent, over and above the two already mentioned, and must supply, amongst other things:

A statement from the foreign agency responsible for paying his retirement pension, informing the total monthly sum of the benefit;

A bank declaration authorizing monthly transfer of at least US\$ 2,000.

Marriage to a Brazilian citizen

This case is covered by a resolution of the National Immigration Council. A permanent residence visa is granted to foreigners married to Brazilian citizens. Application is made to the Ministry of Justice (normally via regional Federal Police offices, which represent the ministry at a State level) or to a Brazilian consulate abroad.

Evidence (e.g. marriage certificate, statement from witnesses) should be presented of the matrimonial union. Immigration officials will effect a surprise visit to the couple's home to make sure that the relationship is not a "marriage of convenience" that has the principal purpose of fraudulently obtaining a residence visa.

Foreigner with Brazilian offspring

This case is covered by a resolution of the National Immigration Council. A permanent visa is traditionally granted to the foreign parent or parents of a Brazilian child. Application is made to the Ministry of Justice (normally via regional Federal Police offices, which represent the ministry at a State level) or to a Brazilian consulate abroad. The offspring should be economically dependent on the foreign mother or father and be under the guardianship of the applicant.

Immigration to Brazil could be tough and lengthy process if you are not familiar with the laws and regulations. It is further complicated by the fact that the immigration authorities in Brazil barely speak English and all instructions are in Portuguese.

Family Gathering

According to the principle of international family reunion, the Brazilian Law allows that a foreigner be granted a visa based on his family ties in Brazil, be it through a son, siblings, parents or grand-parents.

Homosexual Partner

The Brazilian legislation authorizes the permanent visa grant to the foreign homosexual partner who present steady bonds with a Brazilian citizen. This kind of visa is an innovation in the immigration legislation, since it allows the union of a couple independent of sexual orientation.

Tourist Visa Renewal

Through close follow-up in all involved offices and gathering all the necessary documents and forms, counseling in tourist visa renewal for foreigners visiting Brazil. This kind of visa is valid for 90 days and may be renewed for up to 180 days in one year.

Alessandro Jacob is a member of the Rio de Janeiro section of the OAB (Brazilian Bar Association). He speaks Portuguese, English, French and Spanish. More information on his website: www.alvesjacob.com.br.