



## **MIGRATORY RULES FOR SEAFARERS: BRAZIL WILL NO LONGER ACCEPT ILO 108 IDENTITY DOCUMENTS (SIDS)**

As previously reported in our newsletters, from May 1st, 2023 Brazil will only recognize seafarer identity documents (SIDs) issued according to ILO 185, effectively withdrawing recognition of ILO 108-compliant seafarer identity documents (SIDs).

Since the end of 2020, the Federal Government has clarified that, as Brazil signed ILO 185, ILO 108-compliant seafarer identity documents (SIDs) should no longer be accepted. However, due to the pandemic and considering many seafarers only had ILO 108-compliant seafarer identity documents (SIDs), the Federal Government opted for a more flexible approach to the matter and remained accepting such SIDs temporarily.

The initial deadline for such a period of tolerance, June 15th 2021, was extended a couple of times. April 30th 2023 will be the final deadline,

as the Government has guaranteed that there will not be a further extension. Our newsletters have repeatedly reported on this matter for the past two years.

On the same period, three new countries have signed the ILO 185: Antigua and Barbuda, Iraq and Kenya. Here is the full list of the 38 sovereign states which ratified ILO 185: are Albania, Antigua and Barbuda, Azerbaijan, Bahamas, Bangladesh, Bosnia and Herzegovina, Brazil, Kazakhstan, Congo, Croatia, Spain, Philippines, France, Georgia, Hungary, Yemen, India, Indonesia, Iraq, Jordan, Kenya, Kiribati, Lithuania (not effective), Luxembourg, Madagascar, Maldives, Marshall Islands (not in force), Montenegro, Myanmar, Nigeria, Pakistan, Republic of Korea, Republic of Moldova, Russian Federation, Sri Lanka, Tunisia, Turkmenistan, Tanzania, and Vanuatu. The list can be found on the ILO website.

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As some of those countries have signed the ILO 185 quite recently, it could be the case that seafarers from such countries do not have an ILO 185-compliant SID. Shipowners must be aware that, even in such cases, ILO 108-compliant SIDs shall no longer be accepted.

In sum, these are the requirements for foreign seafarers to enter and work in Brazilian territory:

### **1) WITH A VALID ILO 185 SID:**

1.1 no need for any visa for stays of 180 days or less, as long as the Seafarer enters Brazilian territory in a vessel or show that the purpose of the entry is to embark on a platform or vessel in Brazilian waters;

1.2 Temporary Work visa for stays greater than 180 days aboard foreign ships or platforms;

1.3 Work Visa to work aboard vessel or platforms flying a Brazilian flag, regardless of the employment period.

### **2) WITHOUT A VALID ILO 185 SID:**

2.1 Visitor Business Visa for stays up to 90 days a migratory year, unless the crewmember nationality is exempt from visa;

2.2 Work Visa V to work aboard vessels or platforms flying a Brazilian flag, regardless of the employment period;

2.3 Work Visa V for stays exceeding 180 days aboard foreign merchant vessels and cruise ships;

2.4 Work Visa V for stays of more than 90 days a year on vessels/platforms other than those on item 2.3.



Furthermore, authorities shall consider agreements between Brazil and other countries, such as the Agreement on Maritime Transport between the Governments of Brazil and China, which exempts Chinese seafarers from the emission of visas, under the following conditions, as per Federal Police:

those who are onboard Chinese flag merchant ships;

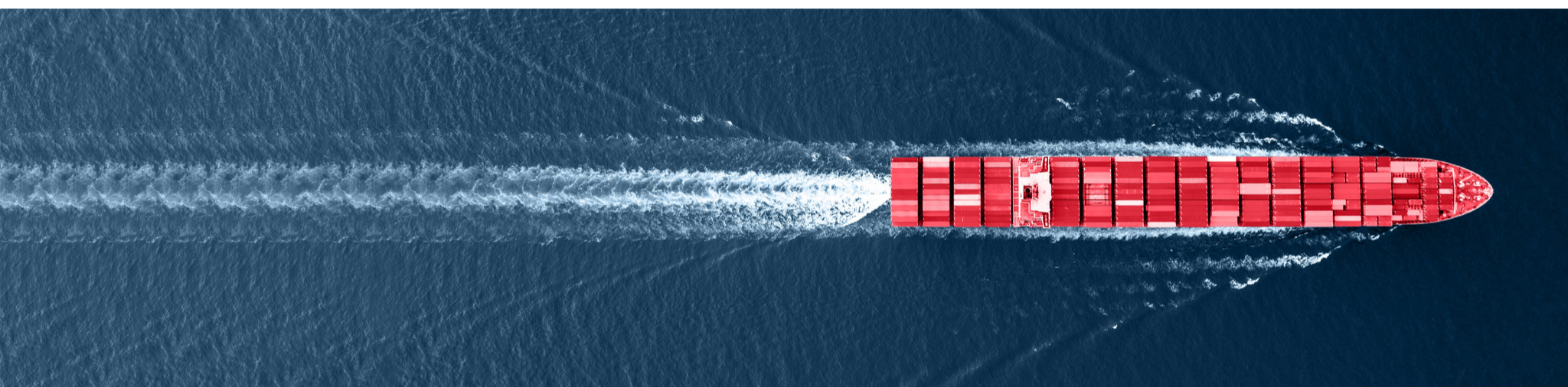
for the disembarkation of a Chinese sea crew member from a vessel flying a Chinese flag in the port where the vessel is;

and to be granted a stay in the city in which the port is located while the vessel is in that port.

For more on Visa Requirements and Exemptions, please verify the General Visa Registration Framework of the Ministry of Foreign  
(<https://www.gov.br/mre/pt-br/assuntos/portal-consular/QGRVsimplsing24MAR231.pdf>).

The rules are expected to be enforced strictly and the fines will be increased exponentially in case of recidivism, ranging from R\$ 100 to R\$ 10,000 for travellers, and from R\$ 1,000 to R\$ 1 million for carriers, besides the costs for repatriation and deportation that can be requested by the Migratory Police.

Necessary to note that the application of a fine is applicable if carrier/owners transport a seafarer without valid migratory documentation to Brazil, even if said individual does not come onshore. Penalties issued by the Federal Police can be appealed both administratively or judicially.



Our firm is following the matter closely and is available to all of those who have relevant questions on this sensitive matter. Please contact our team at [migratory@promare.adv.br](mailto:migratory@promare.adv.br)

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