INFORMATION regarding the digitalization of documents by the General Immigration Coordination Department

The **document digitalization system** for the simplified evaluation of work permit requests for foreign citizens in Brazil entered into effect on May 15, 2009 through Administrative Rule 802.

This new procedure was foreseen in Normative Resolution 74/2007 issued by the National Immigration Council and has the purpose of reducing the volume of documentation processed by the General Immigration Coordination Department (CGIg).

The new system has led to the creation of the "Electronic Registry of Entities Requesting Work Permits for Foreigners" (CERTE).

Entities with a large volume of annual application requests for work permits for foreign citizens in Brazil, can apply for inclusion in the registry through the presentation of the documents that it wishes to have digitalized and their subsequent registration in the General Immigration Coordination Department's (CGIg) data base.

The process is facilitative.

From the moment of registration and onwards the entity registered in CERTE will no longer need to provide the documentation required for work permit applications for foreign citizens that has been digitalized and is now a part of the entity's registration process number.

Who is entitled to CERTE registration:

Any entity (legal entity) that is a regular and frequent applicant and has, up to December 31, 2008, requested from the General Immigration Coordination Department a total of 100 or more work permits for foreign citizens (counted by foreign individual).

Entities with less than 100 requests but that estimate they will attain that number during 2009 can also request their registration through a justification of the estimations for the year 2009. Applications that were already deferred during 2009 can also be a base for the counting process.

How to achieve CERTE registration:

Forward a document to the General Immigration Coordination Department requesting registration in CERTE through the Ministry of Labor's General Entry Registration Office, accompanied by the documentation that is intended for digitalization.

Which documents can be digitalized and included in CERTE:

If a legal entity wishes to be included in CERTE it **must** provide the following documents attached to the formal application:

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  - the legal act of the legal entity (contact or consolidated social statutes including alterations) duly registered with the Trade Board or at a Civil Notary Registry. All document copies must have all pages authenticated;
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  - document proving the election or appointment of the legal representative of the

applicant entity duly registered with the Trade Board, a Civil Notary Registry or the National Public Institution registry.

– copy of the (National Legal Entity Registration Card – CNPJ;

The applicant entity may, apart from the above mentioned documents also request the registration of the following documents that are the subject of art. 2 of Administrative Rule 820/09:

- Officially delegated power of attorney issued by public act or if private with authenticated signature when the applicant is represented by an attorney. Copies must be authenticated;
- Proof of the legal competence of the foreign enterprise's legal representative that signed the contract, agreement or convention , through the presentation of the legal act that has granted him/her that competence, according to the legislation of the country of origin;
- Copy of the leasing contract signed with a Brazilian enterprise, or a rendering of services contract or a risk contract, signed with Brazilian firms or the Administrative Concession Rule issued by the National Petroleum Agency;
- A list containing the name of all of the applicant enterprise's leased or contracted embarkations and platforms, including the quantity of Brazilian citizens and foreigners working aboard each one of them;
- Convention or collective labor agreement between the leasing enterprise or the respective economic category labor organization and the Brazilian labor organization that represents the crew;
- A Transference of Technology Program and a Program for the Professional Empowerment of contracted Brazilian citizens;
- Document stating that the applicant assumes all of the employed foreign citizen's medical and hospital expenses, as well as those of his/her dependents, during his/her/their stay in Brazil;
- Document containing the commitment to provide for the repatriation of employed foreigners, at the end of their stay; and
- - Other documents with the previous authorization of the General Immigration Coordination Department.

Should an applicant entity wish to add the digitalization of a specific document to the above list it should include it in the application for CERT registration and justify the request for appraisal by the General Immigration Coordination department.

How to learn if the request for CERTE registration has been approved and if the provided documentation has subsequently been digitalized:

The General Immigration Coordination Department will send an e-mail to the applicant informing whether the application has been successful or not, or if any problems occurred during the digitalization process.

Digitalized documents will physically remain in a specific archive managed by the General Immigration Coordination Department.

When can the new procedures be used and thereby avoid the forwarding of documentation that has already been digitalized:

The system can be used from the moment the applicant receives the e-mail confirming CERT registration. Registration will also simplify processes that are already under way.

which actions must be taken for new work permit requests after CERTE registration:

New applications can be made without the inclusion of documentation that has already been digitalized by CERTE. The applicant entity must, however, provide specific information regarding which documents are not being supplied due to their previous CERTE digitalization as well as their CETRE registration process number.

The General Immigration Coordination Department decision will specify that the evaluation process was based on CERTE digitalized documents as well as specify the process number under which the documentation has been archived.

What is the validity period for the digitalized documentation included in the CERTE registry:

Digitalized documents will remain valid as long as they are not altered by the applicant entity and for a maximum period of six months.

If a digitalized document is altered the applicant entity must inform the General Immigration Coordination Department (CGIg), add the new document and request its digitalization, through the Ministry of Labor's General Entry Registration Office and the original CERTE application process number. The CGIg will notify the digitalization of the document to the applicant by e-mail and that the new document can be used for new work permit requests, including those already under way.

Six months after their digitalization, counting from the date of CERTE digitalization, the applicant entity must provide proof of the continued validity of the respective document(s) through a petition attached to the original CERTE registration process.

When is a digitalized document declared invalid:

If a document is declared invalid (either due to its alteration or because its validity was not renewed after the six month period) the document will no longer be accepted for processes related to the evaluation of work permit request.

If it is verified that a non-valid digitalized document was used for the granting of a work permit the General Immigration Coordination Department will cancel the permit that was unduly granted.

Is the CERTE registration system also valid for other applications made to the General

Immigration Coordination Department:

The CERTE documentation digitalization system can be used for all types of applications for work permits, including concomitants, job alteration notifications and for requests for the cancellation of granted authorizations. They cannot, however, be used for requests for entry visa extensions or to change visas.

Is it possible to simultaneously use the new and the old systems:

A CERTE registered entity can, if it wishes, continue to send physical documents attached to the applications for work permits for foreigners even if they have already been digitalized.

If a process related to a request for a work permit is accompanied by a paper document that has already been digitalized, the document attached to the process application will prevail.

***Attention**: Illegible copies or documents, or poorly printed documents, will not be considered for digitalization.*

Team CGIg (General Immigration Coordination Department)