



OFFICIAL GAZETTE OF THE UNION

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Agency: Presidency of the Republic/Chief of Staff

**ORDINANCE N° 652, OF 25 JANUARY 2021**

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 OF STAFF OF THE PRESIDENCY OF THE REPUBLIC AND THE MINISTRIES OF JUSTICE AND PUBLIC SAFETY AND HEALTH, in the use of the powers conferred on them by art. 87, sole paragraph, items I and II, of the Constitution, and articles 3, 35, 37 and 47 of Law No. 13,844, of 18 June 2019, and in view of the provisions of art. 3rd, caput, item VI, of Law No. 13,979, of 7 February 2020, and

Considering the declaration of public health emergency of international concern by the World Health Organization on 30 January 2020, as a result of human coronavirus infection SARS-CoV-2 (covid-19);

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

Considering the need to give effectiveness to health measures to respond to the pandemic of Covid-19 provided for in Ordinance No. 356/GM/MS, of 11 March 2020, of the Ministry of Health;

Considering that public services and essential activities are defined as those transit and international passenger transportation and transportation, storage, delivery and logistics of cargo in general, as described in items V and XXII of § 1 of art. 3 of Decree n° 10.282, of 20 March 2020; and

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

Art. 1. This Ordinance provides for the exceptional and temporary restriction of entry into the country of foreigners of any nationality, under the terms of item VI of the caput of art. 3 of Law No. 13,979 of 6 February 2020, as a result of a technical and reasoned recommendation by the National Health Surveillance Agency - Anvisa for health reasons related to the risks of contamination and dissemination of the coronavirus SARS-CoV-2 (covid-19).

Art. 2. The entry of foreigners of any nationality into the country by road, by other terrestrial means or by waterborne transport is restricted.



Art. 3. The restrictions referred to in this Ordinance do not apply to:

I - Brazilian, born or naturalised;

II - immigrant with permanent residence, for a specified or indeterminate period, in the Brazilian territory;

III - foreign professional on a mission at the service of an international organisation, since duly identified;

IV - foreign employee accredited to the Brazilian Government;

V - foreigner:

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

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

c) Bearer of the National Migration Registry;

VI - cargo transportation.

§ 1. The restrictions provided for in this Ordinance do not prevent entry, by air or waterway, of maritime crews to exercise specific functions on board a vessel or platform operating in jurisdictional waters, provided they meet the appropriate migratory requirements to their condition, including having an entry visa, when required by the Brazilian legal system.

§ 2. The restrictions provided for in this Ordinance do not prevent the disembarkation, authorised by the Federal Police, of maritime crews for medical assistance or connection of return flights to the country of origin related to operational issues or termination of an employment contract.

§ 3. The authorisation referred to in § 2 is subject to a term of responsibility signed by the shipping agent regarding the expenses resulting from the transfer, with the local health authorities' prior consent, and the presentation of the corresponding air tickets.

§ 4. In the event of entry into the country by road, other land transport means or by water transport, the exceptions referred to in item II and paragraphs "a" and "c" of item V of caput do not apply to foreigners from the Bolivarian Republic of Venezuela.

Art. 4. The restrictions mentioned in this Ordinance do not prevent:

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



II - the traffic of border residents in twin cities, through the presentation of a border resident document or other supporting documents, provided that the reciprocity in the treatment of Brazilian citizens by the neighbouring country is guaranteed; and

III - the free traffic of road cargo transportation, even if the driver does not fit in the list referred to in art. 3, in the manner provided for in the legislation.

Single paragraph. The provisions of item II of caput do not apply to the border with the Bolivarian Republic of Venezuela.

Art. 5. Exceptionally, the foreigner in a land border country in need to cross it to board a flight back to his country of residence may enter the Federative Republic of Brazil with authorisation of 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 the country of residence; and

III - corresponding air tickets must be presented.

Art. 6. The restrictions referred to in this Ordinance do not prevent foreigners from entering the country by land, between the Federative Republic of Brazil and the Republic of Paraguay, provided that the migratory requirements to their condition are observed, including having an entry visa when required by the Brazilian legal system.

Article 7. The restrictions referred to in this Ordinance do not prevent foreigners from entering the country by air, provided that the migratory requirements to their condition are observed, including having an entry visa when required by the Brazilian legal system.

§ 1 For the purposes of the caput, the international traveller, Brazilian or foreign, must present to the airline responsible for the flight, before boarding:

I - document proving the RT-PCR test, for infection detection of the SARS-CoV-2 coronavirus, with the negative or non-reactive result, carried out seventy-two hours prior to boarding, observing the following criteria:

a) the document must be presented in Portuguese, Spanish or English;

b) the test must be carried out in a laboratory recognised by the health authority of the country of departure;



c) in the event of a flight with connections or layovers where the traveller remains in a restricted area of the airport, the seventy-two hours term will be considered in relation to boarding in the first leg of the trip;

d) the traveller who makes the migration that exceeds seventy-two hours since the RT-PCR test must present a document proving a new test with a negative or non-reactive result for the SARS-CoV-2 coronavirus at check-in for the departure to the Federative Republic of Brazil;

e) the child under the age of twelve who is travelling accompanied is exempt from presenting a document proving the laboratory test RT-PCR as long as the companion presents these documents proving a laboratory test with result of the negative RT-PCR test non-reactive for the SARS-CoV-2 coronavirus performed in the seventy-two hours prior to the moment of boarding;

f) children aged two or over and less than twelve years old who are travelling unaccompanied must present a document proving that the RT-PCR laboratory test has a negative or non-reactive result for the SARS-CoV-2 coronavirus, performed in the seventy-sixth two hours prior to departure; and

g) children under the age of two are exempt from presenting a document proving the realisation of an RT-PCR laboratory test for travel to the Federative Republic of Brazil;

h) Aircrews are exempt from presenting a document proving the realisation of the RT-PCR laboratory test, as long as they comply with the following protocol:

1. absence of social contact and self-isolation while remaining on Brazilian soil when traveling between the airport and the hotel, when necessary - the air operator must provide for the displacement between the aircraft and the individual crew accommodations on a private means of transport and ensure that hygiene measures are applied and that physical distance between people is ensured from the origin to the destination;

2. absence of social contact and self-isolation while staying on Brazilian soil in the accommodation - the crew must remain in residence or in a hotel room, in the latter case, the following must be observed:

2.1. accommodation will be occupied by only one crew member;

2.2. the accommodation will be cleaned before and after its occupation;

2.3. the crew will not use the hotel's common facilities;

2.4. the crew will have meals in the accommodation;

2.5. if hotel room service is not available, the crew will request a "to go" meal;

3. health care and self-monitoring - the crew must:



3.1. regularly monitor symptoms, including fever and other symptoms associated with the SARS-CoV-2 coronavirus (covid-19);

3.2. avoid contact with the public and other crew members;

3.3. stay in the hotel room, except to seek medical attention or to perform activities considered essential;

3.4. wash your hands frequently with soap and water, when possible, or use gel alcohol;

3.5. wear a mask; and

3.6. observe physical distance when it is necessary to leave the hotel;

4. in cases of symptoms - if the crew presents symptoms associated with the SARS-CoV-2 coronavirus (covid-19) in Brazilian territory, it must:

4.1. communicate the fact to the air operator;

4.2. seek medical assistance to assess possible involvement by SARS-CoV-2 (covid-19); and

4.3. in case of a positive result, cooperate with additional monitoring, according to the protocols adopted by the local health system;

5. occupational health - the following measures will be adopted:

5.1. those responsible for the occupational health programs of the air operators will maintain permanent contact with the crews, in order to ensure self-monitoring by their employees and the execution of health protocols that reduce the risk factors associated with exposure to SARS-CoV-2 (Covid-19); and

5.2. the air operator will implement an education program in order to guide the crews on the sanitary measures to be adopted during the period of confrontation with SARS-CoV-2 (covid-19);

6. crew health management plan - air operators are responsible for:

6.1. develop and maintain a permanent health management plan for the crew, with risk assessment regarding the crew's exposure to SARS-CoV-2 (covid-19);

6.2. demonstrate, whenever requested, supporting documentation for the implementation of the mitigation measures of SARS-CoV-2 (covid-19), without prejudice to the inspection, monitoring and control actions to be performed by the competent authorities; and

II - proof, in print or electronically, of completing the Traveller's Health Declaration - DSV seventy-two hours before departure for the Federative Republic of Brazil, agreeing on the sanitary measures that must be complied with during the stay in the country.



Paragraph 2. The traveller referred to in this article will be exempt from complying with the measures established in Paragraph 1 in the event of technical stops, in Brazilian territory, of aircraft coming from abroad, as long as there is no landing of travellers without prior authorisation from the health authority.

§ 3. International flights to the Federative Republic of Brazil originating in or passing through the United Kingdom of Great Britain and Northern Ireland and the Republic of South Africa are prohibited on a temporary basis.

Paragraph 4. The authorisation of boarding to the Federative Republic of Brazil of a foreign traveller, coming from or passing through the United Kingdom of Great Britain and Northern Ireland and the Republic of South Africa in the last fourteen days, is temporarily suspended.

§ 5 The migratory authority, at the health authority's provocation, may prevent the entry into Brazilian territory of persons not listed in art. 3 that do not meet the requirements set out in § 1 or that do not comply with the provisions of § 4.

§ 6 The traveller who falls under the provisions of art. 3rd, with origin or history of passing through the United Kingdom of Great Britain and Northern Ireland and the Republic of South Africa in the last fourteen days, when entering the Brazilian territory, must remain in quarantine for fourteen days.

Article 8. Failure to comply with the provisions of 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. 9 Normative acts and technical guidelines may be prepared by the Ministries in order to complement the provisions contained in this Ordinance, provided the Ministry's scope of competence is observed.

§ 1 The regulatory bodies may issue guidelines complementary to the provisions of this Ordinance, including health rules on services, procedures, means of transport and operations.

§ 2 The technical guidelines issued by the Ministries and by Organs regulatory bodies before the entry into force of this Ordinance remain valid.

Art. 10. Ministries will be able to refer to the Chief of Staff of the Presidency of the Republic, in a reasoned manner, cases omitted in this Ordinance and requests for exceptional cases, regarding the fulfilment of sanitary determinations, to attend to the public interest or humanitarian issues.



§ 1 The Presidency of the Republic's Civil House shall request, within a period appropriate to the urgency of the demand, the manifestation:

I - Anvisa;

II - other bodies whose thematic pertinence is related to the case, if deemed necessary; and

III - the Ministries signatory to this regulation.

§ 2 The decision, by consensus, of the signatory Ministries will be communicated by the Chief of Staff of the Presidency of the Republic.

Art. 11. Ministries, within the scope of their competencies, shall adopt the necessary measures to comply with the provisions of this Ordinance.

Art. 12. Ordinance 651, of 8 January 2021, of the Ministers of State Head of the Chief of Staff of the Presidency of the Republic, of Justice and Public Security and of Health is hereby revoked.

Art. 13. This Ordinance comes into force on the date of its publication.

**WALTER SOUZA BRAGA NETTO**

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**ANDRÉ LUIZ DE ALMEIDA MENDONÇA**

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