

CORRESPONDENT'S ADVICE

BRAZIL

19 APR 2022

COVID 19, Update

The following information was received from our correspondent on 19 April 2022:

QUOTE

Following our Circular XXXII, please note that the Brazilian Federal Government issued an Interministry Ordinance N° 670 (attached hereto with an office translation) ("the **Ordinance**"), exempting Brazilians and foreigners who want to enter Brazil from presenting a negative COVID-19 test in case they have been fully immunised.

According to the Ordinance (please refer to art 14), a traveller who has completed the primary vaccination schedule at least 14 days before the date of departure (two doses or a single dose, according to the immuniser) is considered fully immunised. The vaccines approved are the ones listed by Anvisa, the World Health Organization (WHO) or the authorities of the country where the traveller was immunised.

Please see below the applicable rules depending on the mode of transportation.

By air

- Filling in the DSV (Traveler's Health Declaration) is no longer necessary.
- In case of fully immunised travellers: Brazilians and foreigners are exempted from presenting a document proving a test for Covid-19, with a negative or non-detectable result;
- In case of non-fully immunised travellers: as long as they are Brazilians or foreigners resident in Brazil, those with health restrictions who are not considered eligible for vaccination, those who are not eligible to vaccination due to age or residents in a country with low vaccination cover: proof of carrying out a for Covid-19, with a negative or undetectable result, of the antigen or RT-PCR type performed one day before boarding;



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- Foreigners not fully immunised remain prevented from entering the Brazilian territory subject to the exceptions contained in the Ordinance.

By road

- Brazilians and foreigners must present proof of full immunisation at the land border control points. Such evidence must also be presented, as a condition for boarding, to those responsible for international road and rail passenger transport services.

- Are exempt from presenting proof of full immunisation during land transportation:

- Brazilians and foreigners residing in Brazilian territory who are not fully vaccinated;
- Cargo transport workers under the conditions established in the Ordinance;
- Residents border twin-cities;
- Travelers in situations of vulnerability (humanitarian crisis);
- Travelers from countries with low vaccination coverage;
- Persons ineligible for vaccination due to age;
- Travelers with a health condition that contraindicates vaccination.

- Foreigners who are not fully vaccinated remain prevented from entering the national territory subject to the exceptions contained in the Ordinance;

By water

- Fully immunised international travellers: Brazilian or foreign, must present to the operator or person responsible for the vessel, before boarding, proof of vaccination printed or electronically.

- Vaccinated travellers are exempt from presenting a document proving a test for Covid-19, with a negative or undetectable result.

- Travelers not fully vaccinated, provided that they are Brazilians and foreigners residing in Brazilian territory, those with a health condition that contraindicates vaccination (attested by a medical report), those not eligible for vaccination due to age or coming from countries with low vaccination coverage: must present to the operator or person responsible for the vessel, before disembarkation in the country, proof of a test for COVID-19, with a negative or non-detectable result, such as an antigen test or RT-PCR, carried out one day before disembarkation.



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- Foreigners who are not fully vaccinated remain prevented from entering the national territory subject to the exceptions contained in the Ordinance.

Please refer to the Ordinance for the specific requirements applicable to children.

We remain available for any clarifications, and our multidisciplinary team is at your disposal for any necessary assistance. The comments above are of course for general guidance only, and should not be relied on without additional checks.

We shall update you further if / when the scenario changes locally.

UNQUOTE

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OFFICIAL DIARY OF UNION

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Agency: Presidency of the Republic / Civil House

INTERMINISTERIAL ORDINANCE No. 670, OF APRIL 1, 2022

Provides for exceptional and temporary measures for entry into the country, pursuant to Law No. 13,979, of February 6, 2020.

THE CHIEF MINISTERS OF THE CIVIL HOUSE OF THE PRESIDENCY OF THE REPUBLIC, OF JUSTICE AND PUBLIC SAFETY, OF HEALTH AND INFRASTRUCTURE, in the use of the powers conferred on them by art. 87, sole paragraph, items I and II, of the Constitution, and art. 3, art. 37, art. 47 and art. 35 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, resolve:

CHAPTER I

PRELIMINARY PROVISIONS

Art. 1º This Ordinance provides for exceptional and temporary restrictions, measures and requirements for entry into the country, due to the risks of contamination and spread of the SARS-CoV-2 coronavirus (covid-19).

Single paragraph. The authorization for the entry into the Country of travelers of international origin, Brazilian or foreign, will be given under the terms of this Ordinance.

Art. 2º The restrictions mentioned in this Ordinance do not apply to cargo transport workers, provided that:

I - use personal protective equipment; and

II - adopt the measures, in national territory, to mitigate the contagion of Sars-Cov-2 (covid-19) provided for in Ordinance GM/MS 1.565, of June 18, 2020, and those issued by the National Health Surveillance Agency - Anvisa.

CHAPTER II

AIR TRANSPORT

Art. 3º The entry into the country, by air, of the traveler of international origin, Brazilian or foreign, is authorized, provided that, before boarding, proof of vaccination, printed or electronically, is presented to the airline responsible for the flight, in accordance with art. 14.

Art. 4º The requirement to present proof of vaccination referred to in art. 3 does not apply:

I - to the traveler with a health condition that contraindicates vaccination, as long as it is attested by a medical report;

II - those ineligible for vaccination according to age, according to criteria defined by the Ministry of Health in the National Plan for the Operationalization of Vaccination against Sars-Cov-2 (covid-19) and published on the Ministry of Health's website;

III - to the entry of a traveler into the country due to humanitarian issues, pursuant to art. 19;

IV - those from countries with low vaccination coverage, as disclosed by the Ministry of Health on its website; and

V - Brazilians and foreigners residing in Brazilian territory who are not fully vaccinated.

Art. 5º The travelers referred to in art. 4, they must present to the airline responsible for the flight, before boarding, the document proving the performance of a test to screen for infection by Sars-Cov-2 (covid-19), with a negative or non-detectable result, such as an antigen test or RT-PCR laboratory performed the day before the moment of boarding, observing the parameters indicated in Annex I of this Ordinance.

§ 1º In the event of a flight with connections or stopovers in which the traveler remains in a restricted area of the airport, the deadlines referred to in the caput will be considered in relation to boarding on the first leg of the trip.

§ 2º in the event of a flight with connections or stopovers in which the traveler does not remain in a restricted area of the airport, and/or performs migration, and which exceeds one day since the RT-PCR antigen or laboratory test, a document proving the carrying out a new test, RT-PCR or antigen,

with a negative or non-detectable result for the SARS-CoV-2 coronavirus (covid-19) at check-in for departure to the Federative Republic of Brazil.

Art. 6º Aircraft crew members shall present proof of vaccination, printed or electronically, pursuant to art. 14.

§ 1º The crew of aircraft not vaccinated or not fully vaccinated shall comply with the protocol contained in Annex II of this Ordinance.

§ 2º Aircraft crew members are exempt from presenting a document proving the performance of a test to screen for infection by the SARS-CoV-2 coronavirus (covid-19).

CHAPTER III

TERRESTRIAL TRANSPORT

Art. 7º The entry into the Country, by land, of the traveler of international origin, Brazilian or foreign, is authorized, provided that proof of vaccination is presented, in the terms of art. 14.

Single paragraph. The proof referred to in the heading must be presented, as a condition for boarding, to those responsible for international road and rail passenger transport services.

Art. 8º The requirement to present proof of vaccination referred to in art. 7th does not apply:

I - to the traveler with a health condition that contraindicates vaccination against Sars-Cov-2 (covid-19), provided that it is certified by a medical report;

II - those ineligible for vaccination according to age, according to criteria defined by the Ministry of Health in the National Plan for the Operationalization of Vaccination against Sars-Cov-2 (covid-19) and published on the Ministry of Health's website;

III - those from countries with low vaccination coverage, as disclosed by the Ministry of Health on its website;

IV - the reception of people in a situation of vulnerability resulting from a migratory flow caused by a humanitarian crisis for the execution of emergency assistance measures in Brazilian territory, according to the available means, provided that the situation of vulnerability is recognized by an act of the President of the Republic, pursuant to the sole paragraph of art. 3 of Law No. 13,684, of June 21, 2018, and in compliance with current immigration legislation;

V - the entry of a traveler into the country in a situation of vulnerability to carry out cross-border humanitarian actions previously authorized by the local health authorities;

VI - 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, except in border locations where the measures provided for in item IV;

VII - to the cargo transport worker, including driver and assistant, provided that such workers prove to adopt the personal protective equipment and measures to mitigate contagion indicated by Anvisa; and

VIII - Brazilians and foreigners residing in Brazilian territory who are not fully vaccinated.

CHAPTER IV

WATER TRANSPORTATION

Art. 9º The entry into the country, by waterway, of the traveler of international origin, Brazilian or foreign, is authorized, provided that, before boarding, the proof of vaccination, printed or electronically, in the form of the art. 14.

Art. 10. The requirement of presentation of proof of vaccination referred to in art. 9th does not apply:

I - to the traveler with a health condition that contraindicates vaccination, as long as it is attested by a medical report;

II - those ineligible for vaccination according to age, according to criteria defined by the Ministry of Health in the National Plan for the Operationalization of Vaccination against Sars-Cov-2 (covid-19) and published on the Ministry of Health's website;

III - the entry of a traveler into the country due to humanitarian issues, pursuant to art. 19;

IV - those from countries with low vaccination coverage, as disclosed by the Ministry of Health on its website; and

V - Brazilians and foreigners residing in Brazilian territory who are not fully vaccinated.

Art. 11. The travelers mentioned in art. 10 must present to the operator or person responsible for the vessel, before disembarking in the country, the document proving the performance of a test to screen for infection by Sars-Cov-2 (covid-19), with a negative or non-detectable result, of the type antigen or laboratory RT-PCR, performed within one day before the moment of disembarkation, observing the parameters indicated in Annex I of this Ordinance.

Art. 12. The sanitary requirements for the embarkation, disembarkation and transportation of travelers on cruise ships will comply with the provisions of a specific act of the National Health Surveillance Agency.

§ 1º The operation of cruise ships carrying passengers, in national ports, is subject to the prior edition of an Ordinance by the Ministry of Health, which must provide for the epidemiological scenario, the definition of situations considered outbreaks of Sars-Cov-2 (covid-19) on vessels and the conditions for compliance with the quarantine of passengers and vessels.

§ 2º The operation of cruise ships carrying passengers, in national ports, is conditioned to the publication of an Operational Plan within the scope of the Municipality and the State, which establishes the conditions for health care of passengers disembarked in their territories and for local implementation of active epidemiological surveillance.

Art. 13. The sanitary conditions for the embarkation and disembarkation of crew members of cargo vessels from another country and platforms located in Brazilian jurisdictional waters shall comply with the provisions of a specific act of the National Health Surveillance Agency.

CHAPTER V

FINAL DISPOSITIONS

Art. 14. For the purposes of this Ordinance, a traveler who has completed the primary vaccination schedule at least fourteen days before the date of departure is considered to have been fully vaccinated, provided that:

I - immunizing agents approved by Anvisa, the World Health Organization or the authorities of the country where the traveler was immunized are used; and

II - the vaccination certificates contain, at least, the name of the traveler and the following vaccine data:

- a) trade name or manufacturer's name;
- b) number(s) of the lot(s) of the applied dose(s); and
- c) date(s) of application of the dose(s).

§ 1º Vaccination vouchers in which the data provided for in the headings of the caput are available exclusively in QR-CODE format or in any other coded language will not be accepted.

§ 2º Sars-Cov-2 (covid-19) recovery certificates will not be accepted in lieu of proof of complete vaccination.

Art. 15. The restrictions, measures and conditions provided for in this Ordinance constitute requirements for the entry of travelers into the country, without prejudice to others appropriate to their migratory condition, including carrying an entry visa, when required by the Brazilian legal system.

Single paragraph. The migratory authority shall prevent the entry into Brazilian territory of foreigners who do not comply with the requirements set forth in this Ordinance, including demanding technical information from other border inspection authorities, if deemed necessary.

Art. 16. Failure to comply with the provisions of this Ordinance will imply, for the infringing agent:

I - civil, administrative and criminal liability;

II - immediate repatriation or deportation; and/or

III - disqualification of request for refuge.

Art. 17. Immigrants in a situation of vulnerability resulting from a migratory flow caused by a humanitarian crisis recognized by an act of the President of the Republic, pursuant to the sole paragraph of art. 3 of Law No. 13,684, of June 21, 2018, and who entered the country, in the period from March 18, 2020 until the date of publication of this Ordinance, may have their migratory status regularized under the terms of current legislation.

Single paragraph. The provisions of the heading apply to immigrants who, having entered the country in the period from March 18, 2020 until the date of publication of this Ordinance, present proof of vaccination, printed or electronically, in the form of art. 14.

Art. 18. Other normative acts and technical guidelines may be prepared by the Ministries, complementary to the provisions contained in this Ordinance, provided that the scope of their competences is observed.

Single paragraph. Regulatory bodies and entities may issue complementary guidelines to the provisions of this Ordinance, including health rules on services, procedures, means of transport and operations, provided that the scope of their powers and the provisions of Law No. 13,979, of February 6, 2020 .

Art. 19. The Ministries may forward to the Civil House of the Presidency of the Republic, in a reasoned manner, cases omitted in this Ordinance and requests for exceptional cases, regarding the fulfillment of sanitary determinations, to meet the public interest or humanitarian issues.

§ 1º The exceptional requests mentioned in the caput must be sent to the Civil House of the Presidency of the Republic, at least five working days before the date of entry into the country.

§ 2º The Civil House of the Presidency of the Republic will request, within a period appropriate to the urgency of the demand, the manifestation:

I – From Anvisa;

II - from other bodies or entities whose thematic relevance is related to the case, if deemed necessary; and

III - of the Ministries that are signatories of this regulation.

§ 3º The decision, by consensus, of the signatory Ministries will be communicated by the Civil House of the Presidency of the Republic.

§ 4º The reasoning must demonstrate the reasonableness and proportionality of the request for an exceptional case to meet the public interest or humanitarian issues.

Art. 20. The Ministries, within the scope of their powers, shall adopt the necessary measures to comply with the provisions of this Ordinance.

Art. 21. The documents and other requirements necessary for entry into the national territory may be evaluated by the immigration authorities, and the offender is subject to the penalties provided for in this Ordinance.

Art. 22. The provisions of this Ordinance may be reviewed at any time whenever there is a change in the epidemiological scenario, according to a previous technical statement from the Ministry of Health.

Single paragraph. The epidemiological scenario will be monitored by the Health Surveillance Secretariat of the Ministry of Health.

Art. 23. The documents required in this Ordinance and issued abroad must be presented in Portuguese, Spanish or English.

Art. 24. Interministerial Ordinance No. 666, of January 20, 2022, of the Ministers of State, Chief of Staff of the Presidency of the Republic, Justice and Public Security, Infrastructure and Health, is hereby revoked.

Art. 25. This Ordinance enters into force on the date of its publication.

Minister of State Chief of Staff of the Presidency of the Republic
CIRO NOGUEIRA LIMA
FILHO

Minister of State for Justice and Public Security
ANDERSON GUSTAVO
TORRES

Minister of State for Health
MARCELO ANTÔNIO
CARTAXO QUEIROGA
LOPES

Minister of State for Infrastructure
MARCELO SAMPAIO
CUNHA FILHO

ANNEX I

TESTING PARAMETERS

The testing for the detection of infection by the coronavirus SARS-CoV-2 (covid-19) required, under the terms of this Ordinance, to travelers of international origin, Brazilian or foreign, must meet the following parameters:

1. The RT-PCR laboratory test or antigen test with report must be performed in a laboratory recognized by the health authority of the country of origin;
2. Children under the age of twelve who are traveling accompanied are exempt from presenting a document proving the performance of tests to screen for infection by the SARS-CoV-2 coronavirus (covid-19), provided that all companions present documents with the result negative or undetectable, laboratory-type RT-PCR or antigen test, performed within one day before departure/entry into the country;
3. Children aged two or over and under twelve years old, who are traveling unaccompanied, must present documents with a negative or non-detectable result, such as RT-PCR laboratory type or antigen test, performed within one day before the time of boarding/entry into the country;

4. Children under the age of two are exempt from presenting a document proving the performance of a test to screen for infection by the SARS-CoV-2 coronavirus (covid-19) for travel to the Federative Republic of Brazil;

5. The entry into the national territory of travelers who have had covid-19 in the last ninety days, counted from the date of onset of symptoms, who are asymptomatic and persist with RT-PCR test or detectable antigen test for the SARS-CoV coronavirus -2 (covid-19), will be allowed upon presentation of the following documents:

5.1. two detectable RT-PCR results, with an interval of at least fourteen days, the last being performed up to one day before the moment of departure/entry into the country; and

5.2. medical certificate that must contain the signature of the responsible physician and declare that the individual is asymptomatic and able to travel, including the date of travel.

ANNEX II

PROTOCOL FOR AIRCRAFT CREW

Aircraft crew members who are not fully vaccinated must comply with the following protocol:

1. absence of social contact and self-isolation while on Brazilian soil when traveling between the airport and the hotel:

1.1. when necessary - the air operator must arrange the movement between the aircraft and the individual accommodations of the crew in a private means of transport and ensure that hygiene measures are applied and that physical distance between people is ensured from origin to destination.

2. absence of social contact and self-isolation while 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. the accommodation will be occupied by only one crew member;

2.2. the accommodation will be sanitized before and after its occupancy;

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

2.4. the crew will have meals at the accommodation;

2.5. if hotel room service is not available, the crew member will order 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 with other crew members;
- 3.3. stay in the hotel room, except to seek medical attention or to perform activities deemed essential;
- 3.4. wash your hands frequently with soap and water, when possible, or use alcohol gel;
- 3.5. wear mask; and
- 3.6. observe physical distancing when it is necessary to leave the hotel;
4. in cases of symptoms - if the crew has symptoms associated with the SARS-CoV-2 coronavirus (covid-19) in Brazilian territory, they must:
 - 4.1. communicate the fact to the air operator;
 - 4.2. seek medical help 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 the performance of 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 with the objective of guiding crews on the health measures to be adopted during the period of combating SARS-CoV-2 (covid-19);
6. crew health management plan - air operators are responsible for:
 - 6.1. prepare and maintain a permanent management plan for the health of the crew, with the risk assessment regarding the exposure of the crew to SARS-CoV-2 (covid-19); and
 - 6.2. demonstrate, whenever requested, documentation supporting the implementation of SARS-CoV-2 (covid-19) mitigation measures, without prejudice to inspection, monitoring and control actions to be carried out by the competent authorities.