



Immigration: avoid the quick fix

For organisations sending employees to Brazil on business travel, it's essential to make the right immigration choice, says Andrea Elliott, senior counsel (foreign) at immigration service provider Pro-Link GLOBAL.



The business traveller presents itself as a 'special', and often difficult, category of employee for companies to manage and maintain compliant outside their home country, for a broad range of reasons – most often because business travellers are engaged in extended business travel that may cross the line with employment activities, or their nationality may permit them entry into the country on a passport only for tourism, but not for business, or when their destination country does not offer clear guides as to what constitute legitimate business activities on a business visa and what are work activities requiring work authorisation.

This means that, for the HR or global mobility manager, this population may require a case-by-case/region and/or country-by-country approach.

As a general rule, foreign citizens travelling to do business (but not to seek employment) in Brazil are generally required to have a business visa. Their first entry into Brazil must be within 90 days from the date the visa is issued. The original visa may allow for a stay of up to 90 days, although one single extension of up to 90 additional days is possible, at the discretion of the Brazilian immigration authorities.

While Brazil has an expansive visa waiver agreement with a number of countries (including the UK), there are still a number of countries whose citizens are required to obtain a Brazil visa before they enter the country. This list includes nationals of Australia, Canada, Japan, Mexico, Nigeria, Russia and the USA, as well as a number of other countries. Therefore, it is vital that travellers have a good understanding of the Brazil visa requirements and timing considerations they are subject to before they depart.

The processing time for a Brazil visa can be as long as ten working days, but this is subject to change. It depends very much on the type of visa, the nationality of the person applying, the time of year, the consular location the visa is filed in, and other variables. Therefore, it is advised that travellers start the application process well in advance of their scheduled trip.

Business travellers to Brazil

Brazil is a perfect example of the variety of issues facing business travellers.

- Industry-specific – Travellers employed by specific IT, engineering or electronic industries who are required to perform technical services are faced with a general consular approach to take a strict and rigid position and to presume that the employee intends to work. This places a heavy burden on the employer and employee of having to rebut the presumption of 'work' when requesting a business visa
- Different consulate, different result – Depending on the consular location where the traveller is filing for their Brazil business visa, the outcome may vary. As an example, the Brazilian Consulates in India are notorious for rejecting business visa applications made for business travel by software engineers, even when they are engaging in legitimate business traveller activities
- Business visas do not generally allow change of status from business visa to a work visa in country

Suggested solutions

Our advice to companies is:

- Have a centralised Business Visa Traveller programme
- Partner with a global immigration provider who can train and advise HR on a case-by-case basis on whether a business visa is the correct type of visa for the specific business case/employee
- When in doubt, err on the side of caution, and do not assume that the business visa will cover all activities
- Ensure that all travellers to Brazil know that the Brazilian Government does not have overly-detailed descriptions of what is considered allowable business activity on a business visa, such as outlined below:

Meetings to discuss sales or purchases of goods and services; close export or import deals; meetings to evaluate ongoing operations or existent contracts; explore investment opportunities, relocation, outsourcing. As a basic rule, business visitors admitted to Brazil should limit their activities to only discussion-style meetings and observing operations. These activities are designed to keep visitors either in conference rooms or out in the field doing a site visit for short, one-off periods of time.

With Brazil taking centre stage as one of the BRICS countries, global immigration is booming. However this has brought challenges as companies face the pressure of moving employees with the necessary expertise to Brazil quickly.

Unfortunately, a 'quick' business visa is often the wrong immigration choice, leading to harsh financial and long-term immigration consequences for the company and its employees. ●

There's No Place
Like Home.



Let Us Guide You Down The BRIC* Road.

(*Brazil Russia India China.)



We Are Where You Want To Be.

proactive

professional

proficient

progressive

International companies are quickly expanding their presence in the rapid-growth economies of Brazil, Russia, India and China. While the need for skilled global talent is at an all-time high, navigating the complexities of each country's immigration and labor regulations can be time-consuming and document intensive.

Whether your company is expanding or already established in a BRIC country, Pro-Link GLOBAL can help you develop and implement a dynamic global mobility strategy to seamlessly transfer your human capital to these growing markets. Our dedicated and experienced professionals understand corporate immigration needs and ensure compliance, because corporate immigration is what we do...and it is all we do.



Your Move.

Immigration never sleeps.™ Neither do we.