

INTERMINISTERIAL ORDINANCE No. 661, of 8 December 2021

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

THE CHIEF MINISTERS OF STATE OF THE CIVIL HOUSE OF THE PRESIDENCY OF THE REPUBLIC, OF JUSTICE AND PUBLIC SAFETY, OF HEALTH AND OF 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. 1 This Ordinance provides for exceptional and temporary restrictions, measures and requirements for entry into the country, due to the risks of contamination and dissemination of the SARS-CoV-2 coronavirus (COVID-19).

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

Art. 2 The restrictions mentioned in this Ordinance do not apply to the transport of cargo.

CHAPTER II

AIR TRANSPORT

Art. 3 The entry into the country, by air, of traveller of international origin, Brazilian or foreign, is authorized, provided that the following requirements are met:

I - presentation to the airline responsible for the flight, before boarding, of a document proving the performance of a test to screen for SARS-CoV-2 (COVID-19) coronavirus infection, with a negative or undetectable result, of the antigen test type, performed within twenty-four hours prior to the time of shipment, or laboratory RT-PCR, performed

within seventy-two hours prior to the time of shipment, observing the parameters indicated in Annex I of this Ordinance and the following criteria:

a) in the event of a flight with connections or stopovers in which the traveller remains in a restricted area of the airport, the deadlines referred to in item I of the caput shall be considered in relation to boarding the first leg of the trip; and

b) in the event of a flight with connections or stopovers in which the traveller does not remain in a restricted area of the airport, in which the traveller performs migration, and which exceeds seventy-two hours since the completion of the RT-PCR test or twenty-four hours of the antigen test, the traveller must present a document proving the performance of a new test, RT-PCR or antigen, with a negative or undetectable result for the SARS-CoV-2 coronavirus (COVID-19) at check-in for boarding to Federative Republic of Brazil.

II - presentation to the airline responsible for the flight, before boarding, of proof, printed or electronically, of filling out the Traveller's Health Declaration - DSV, within a maximum of twenty-four hours prior to boarding to the Federative Republic of Brazil, with the agreement on the sanitary measures that must be complied with during the period in which he/she is in the country; and

III - presentation to the airline responsible for the flight, before boarding, of proof, printed or electronic, of vaccination with vaccines approved by the National Health Surveillance Agency or by the World Health Organization or by the authorities of the country where the traveller was immunized, whose application of the last dose or single dose has occurred at least fourteen days before the date of shipment.

Single paragraph. The presentation of proof of vaccination, referred to in item III of the caput, will be waived to travellers considered ineligible for vaccination, in accordance with criteria established by the Ministry of Health in the National Plan for Operationalization of Vaccination against COVID-19, available on the website: <https://www.gov.br/saude/pt-br/coronavirus/vacinas/plano-nacional-de-operacionalizacao-da-vacina-contra-a-COVID-19>.

Art. 4. Travellers who do not have proof of vaccination, whose application of the last dose or single dose has occurred at least fourteen days before the date of departure, may enter Brazilian territory, provided they agree to perform quarantine in Brazilian territory, under the stipulated terms:

I - quarantine, for five days, in the city of its final destination and at the address registered in the Traveller's Health Declaration - DSV;

II - at the end of the quarantine period, referred to in item I of the caput, they must carry out an antigen or RT-PCR test and, if the result is negative or not detectable, the quarantine will be ended; and

III - in case of refusal to carry out one of the tests, referred to in item II of the caput, or in case the result of any of the tests detects infection by the SARS-CoV-2 coronavirus (COVID-19), the traveller will remain in quarantine in accordance with the criteria established by the Ministry of Health in the COVID-19 Epidemiological Surveillance Guide, available on the website: <https://www.gov.br/saude/pt-br/coronavirus/publicacoes-tecnicas/guias-and-plans/epidemiological-surveillance-guide-COVID-19/view>.

§ 1 The acceptance of the terms of quarantine by travellers, referred to in items I, II and III of the caput, will be expressly included in the Traveller's Health Declaration - DSV.

§ 2 The information of travellers subjected to quarantine, specified in the Traveller's Health Declaration - DSV, will be forwarded to the Strategic Information Centres in Health Surveillance (CIEVS) - National, which will send them to the CIEVS in their coverage areas. will monitor the respective travellers.

Art. 5. Aircraft travellers are exempt from presenting a document proving that they have carried out a test to screen for infection by the SARS-CoV-2 (COVID-19) coronavirus, provided that they comply with the protocol contained in Annex II of this Ordinance.

Single paragraph. Aircraft travellers who present proof, printed or electronically, of vaccination with immunizers approved by the National Health Surveillance Agency or by the World Health Organization or by the authorities of the country where the crew member was vaccinated, whose application of the last dose or dose only occurred at least fourteen days before the date of embarkation, are exempt from complying with the protocol referred to in the caput.

Art. 6. International flights to the Federative Republic of Brazil that originate or pass through the Republic of South Africa, Republic of Botswana, Kingdom of Eswatini, Kingdom of Lesotho, Republic of Namibia and Republic of Zimbabwe in the last fourteen days are temporarily prohibited.

Single paragraph. The provisions of the caput do not apply to the operation of cargo flights, handled by workers dressed in personal protective equipment (PPE), whose crew must observe the sanitary protocols specified in Annex III of this Ordinance.

Art. 7 The authorization for foreign travellers to the Federative Republic of Brazil, traveling or with a ticket, is temporarily suspended in the last fourteen days before embarkation, by the Republic of South Africa, Republic of Botswana, Kingdom of Essuatini, Kingdom of Lesotho, Republic of Namibia and Republic of Zimbabwe.

§ 1 The provisions of the traveller's caption do not apply:

I - foreigners with permanent residence, for a fixed or indefinite period, in Brazilian territory;

II - foreign professional on a mission at the service of an international organization, as long as identified;

III - foreign official accredited to the Brazilian Government; and

IV - foreign:

a) spouse, partner, child, parent or guardian of a Brazilian;

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

c) holder of a National Migration Registry.

§ 2 The Brazilian traveller or those who fall within the provisions of § 1, proceeding or passing through the Republic of South Africa, Republic of Botswana, Kingdom of Essuatini, Kingdom of Lesotho, Republic of Namibia and Republic of Zimbabwe, in the last fourteen days before boarding, upon entering Brazilian territory, it must remain in quarantine for fourteen days in the city of its final destination.

CHAPTER III

GROUND TRANSPORTATION

Art. 8. The traveller of international origin, when entering the country by road or any other land means, must present to the immigration or health authority, when requested:

I - proof, printed or electronic, of vaccination with vaccines approved by the National Health Surveillance Agency or by the World Health Organization or by the authorities of the country where the traveller was immunized, whose application of the last dose or single dose has occurred, at least fourteen days before the date of entry into the country; or

II - document proving the performance of a test to screen for infection by the SARS-CoV-2 coronavirus (COVID-19), with a negative or undetectable result, of the antigen test, carried out within twenty-four hours prior to entry in the country, or laboratory RT-PCR test, carried out within seventy-two hours prior to entering the country, observing the parameters indicated in Annex I of this Ordinance.

§ 1 Travellers who are considered ineligible for vaccination, according to criteria established by the Ministry of Health in the National Plan for Operationalization of Vaccination against COVID-19, available on the website: <https://www.gov.br/saude/pt-br/coronavirus/vacinas/plano-nacional-de-operacionalizacao-da-vacina-contra-a-COVID-19>.

§ 2 Exceptionally, foreigners who do not have proof of vaccination, referred to in item I of the caput, and due to mobility restrictions imposed by the country in which they are located, cannot return to their country of residence, may enter the country, if they:

I - obtain authorization from the immigration authority;

II - go directly to the airport;

III - obtain a formal request from the embassy or consulate of the country of residence; and

IV - present the corresponding airline tickets for the return to your country of residence.

Art. 9 The requirement to present proof of vaccination or test for screening for infection by the SARS-CoV-2 coronavirus (COVID-19), pursuant to items I and II of the caput of Art. 8, does not apply to:

I - the entry of a traveller into the country, by land, between the Federative Republic of Brazil and the Republic of Paraguay, provided that the immigration requirements appropriate to their condition are met, including that of carrying an entry visa, when this is required by the legal system. Brazilian legal system;

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

III - the entry of a traveller in a situation of vulnerability resulting from a migratory flow caused by a humanitarian crisis, in the national territory, recognized by an act of the President of the Republic, pursuant to the sole paragraph of article 3 of Law 13.684, of June 21, 2018;

IV - 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 neighbouring country is guaranteed;

V - the traveller who carries out cargo transport or drivers and assistants of cargo road transport vehicles;

VI - foreigners whose entry is specifically authorized by the Brazilian Government in view of the public interest or for humanitarian reasons;

VII - the foreign official accredited to the Brazilian Government.

CHAPTER IV

WATER TRANSPORTATION

Art. 10. The waterway transport of passengers, Brazilians or foreigners, exclusively in Brazilian jurisdictional waters, by maritime cruise vessels is authorized.

§ 1 The authorization referred to in the caption of the operation of vessels carrying passengers, in national ports, is subject to the previous edition of the Ordinance by the Ministry of Health, which must provide for the epidemiological scenario, the definition of situations considered to be outbreaks of COVID- 19 on vessels and the conditions for complying with the quarantine of passengers and vessels.

§ 2 The operation of vessels with passenger transport, in national ports, is subject to the issuance of an Operational Plan within the scope of the Municipality and the State, which establishes the conditions for health care for passengers disembarked in their territories and for local execution active epidemiological surveillance.

§ 3 The sanitary conditions for the embarkation and disembarkation of passengers and crew on cruise ships located in Brazilian jurisdictional waters, including those with foreign crew and without passengers on board from another country, will be defined in a specific act of the National Agency of Health Surveillance.

Art. 11. Sanitary conditions for the embarkation and disembarkation of crew members of cargo vessels from another country and platforms located in Brazilian jurisdictional waters will be defined in a specific act of the National Health Surveillance Agency.

Art. 12. The restrictions provided for in this Ordinance do not prevent the disembarkation, authorized by the Federal Police, of a sea crew for medical assistance or for a return air connection to the country of origin related to operational issues or termination of employment contract.

Single paragraph. The authorization referred to in the caput is subject to:

- a) the signing of a term of responsibility for the expenses arising from the transshipment signed by the shipping agent;
- b) the presentation of a document evidencing the performance of a RT-PCR laboratory test, carried out in the seventy-two hours prior to disembarkation, or an antigen test, carried out in the twenty-four hours prior to disembarkation, to screen for infection by the coronavirus SARS-CoV-2 (COVID-19), with negative or undetectable result;
- c) the prior consent of the local health authorities; and
- d) the presentation of the corresponding air tickets.

CHAPTER V

FINAL DISPOSITIONS

Art. 13. The restrictions, measures and conditions provided for in this Ordinance constitute requirements for the entry of travellers into the country, without prejudice to others suitable for their migratory status, including that of carrying an entry visa, when this is required by the Brazilian legal system.

Single paragraph. The immigration authority may prevent the entry into Brazilian territory of foreigners who do not comply with the requirements provided for in this ordinance and may request technical information from other border inspection authorities, if necessary.

Art. 14. Failure to comply with the provisions of this Ordinance will imply, for the offending agent:

- I - civil, administrative and criminal liability;
- II - immediate repatriation or deportation; and
- III - disqualification of asylum request.

Art. 15. An immigrant 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 article 3 of Law 13.684, of June 21, 2018, and who has entered the country, from March 18, 2020 until the date of publication of this Ordinance, may have its immigration status regularized under the terms of current legislation.

Art. 16. Normative acts and technical guidelines may be prepared by the Ministries in order to complement the provisions contained in this Ordinance, provided that the Ministry's scope of competence is observed.

Single paragraph. Regulatory bodies may issue additional 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 13,979 of 2020 are observed.

Art. 17. The Ministries may forward to the Civil House of the Presidency of the Republic, in a reasoned manner, cases not covered by this Ordinance and requests for exceptional cases, regarding the fulfilment of sanitary determinations, in order to attend to the public interest or humanitarian matters.

§ 1 The exceptional requests referred to in the caput must be forwarded to the Civil House of the Presidency of the Republic, at least five working days prior to the date of entry into the country.

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

- I – of the National Health Surveillance Agency;

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

III - of the signatory Ministries of this regulation.

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

Art. 18. The Ministries, within the scope of their powers, shall adopt the necessary measures to comply with the provisions of this Ordinance.

Art. 19. The documents and other requirements necessary for entry into national territory may be evaluated by the immigration authorities, the offender being subject to the penalties provided for in this Ordinance.

Art. 20. The provisions of this Ordinance may be revised at any time whenever there is a change in the epidemiological scenario, as per prior technical statement by the Ministry of Health.

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

Art. 21. Ordinance No. 660, of November 27, 2021, 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. 22. This Ordinance enters into force on the date of its publication.

Single paragraph. Will take effect from December 11, 2021:

I - item III and the sole paragraph of the main section of art. 3rd;

II - art 4; and

III - the sole paragraph of the main section of art. 5th.

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Minister of State Head of the Civil House of the Presidency of the Republic

ANDERSON GUSTAVO TORRES

Minister of State for Justice and Public Security

MARCELO ANTÔNIO CARTAXO QUEIROGA LOPES

Minister of State for Health

TARCISIO GOMES DE FREITAS

Minister of State for Infrastructure

ANNEX I

TESTING PARAMETERS

Travellers of international origin, Brazilian or foreign, must meet the testing parameters for detection of infection by the SARS-CoV-2 coronavirus (COVID-19).

1. The document proving the performance of a test to screen for infection by the SARS-CoV-2 (COVID-19) coronavirus, with a negative or non-detectable result, must be presented in Portuguese, Spanish or English;
2. 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;
3. Children under the age of twelve who are traveling accompanied are exempt from presenting a document proving the performance of tests for screening for SARS-CoV-2 coronavirus infection (COVID-19), provided that all accompanying persons present documents with results negative or undetectable, laboratory type RT-PCR, performed

within seventy-two hours prior to shipment, or antigen test, performed within twenty-four hours prior to shipment;

4. Children aged two or over and under twelve years old, who are traveling unaccompanied, must present documents with a negative or undetectable result, of the RT-PCR laboratory type, carried out within seventy-two hours prior to the time of the shipment, or antigen test, carried out within twenty-four hours prior to the time of shipment;

5. Children under the age of two years are exempt from presenting a document proving that they have been tested for infection by the SARS-CoV-2 (COVID-19) coronavirus for travel to the Federative Republic of Brazil;

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

6.1. two detectable RT-PCR results, with an interval of at least fourteen days, the last one being carried out within seventy-two hours prior to the time of shipment;

6.2. antigen test that reports a negative or non-reactive result after the last detectable RT-PCR result;

6.3. medical certificate stating that the individual is asymptomatic and able to travel, including the date of travel.

6.4. The medical certificate, referred to in item 6.3, must be issued in Portuguese or Spanish or English and contain the identification and signature of the responsible physician.

ANNEX II

PROTOCOL FOR AIRCRAFT CREW

As provided for in the caput of art. 5 of this Ordinance, aircraft crew members are exempt from presenting a document proving the performance of a RT-PCR laboratory test or an antigen test with report, provided that they comply with the following protocol:

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

1.1. when necessary - the air operator must arrange the displacement between the aircraft and the individual accommodation of the crew in private means of transport and ensure that hygiene measures are applied and that the 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 at home 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 occupation;

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

2.4. the crew will take meals at the accommodation;

2.5. if hotel room service is not available, the crew will order a take-out 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 (COVID-19) coronavirus;

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 alcohol gel;

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 (COVID-19) coronavirus 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, in accordance with the protocols adopted by the local health system;

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

5.1. those responsible for the occupational health programs of air operators will maintain permanent contact with the crews, in order to ensure that their employees carry out self-monitoring and the implementation of sanitary 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 orienting 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. prepare and maintain a permanent crew health management plan, with risk assessment regarding crew exposure to SARS-CoV-2 (COVID-19); and

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

ANNEX III

HEALTH PROTOCOLS FOR CARGO FLIGHTS FROM RESTRICTED COUNTRIES

As provided for in the sole paragraph of art. 6 of this Ordinance, the operation of cargo flights from the Republic of South Africa, the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho, the Republic of Namibia and the Republic of Zimbabwe, will be carried out by workers wearing equipment of individual protection (PPE), whose crew must observe the following sanitary protocols:

1. filling in the Traveller's Health Declaration (DSV), provided for in art. 3, item II of this Ordinance, being exempt from presenting a document evidencing the performance of a RT-PCR laboratory test, provided that the protocol contained in Annex II of this Ordinance is complied with, as applicable;

2. the disembarkation of crew members is not authorized, except in case of emergency need, previously authorized by the local health authority, in which case quarantine must be carried out for fourteen days, under the guidance and monitoring of the health

authorities of the respective State or Municipality, being that, if the emergency disembarkation is only for transit at the airport itself, the crew member must make constant use of a face mask and social distance;

3. if necessary, the supply of food and water must be carried out by workers dressed in personal protective equipment (PPE), and trolleys carrying food for the crew are not allowed to disembark;

4. the removal of solid waste and effluents generated on board is not allowed;

5. It is not allowed to carry out cleaning or disinfection procedures on the aircraft, except for exceptions at the discretion of the local health authority; and

6. if local workers on board are required, the aircraft commander must ensure that the appropriate mitigation measures are adopted.

<https://www.in.gov.br/en/web/dou/-/portaria-interministerial-n-661-de-8-de-dezembro-de-2021-366015007>