

§1 In Brazil, a foreigner can work with or without an employment relation. For example, an administrator/director/manager can have a contractual relation based on corporate law and the Bylaws instead of based on a employment agreement. Other hypotheses of work without employment contract also exist the foreigner who comes to provide technical assistance services or the technology transfer. But here we are dealing with the function of management of a legal entity with profit purposes.

§2 According to the Regulation of the Migration Law: “*the temporary visa may be granted to immigrant administrators, managers, directors or executives with management powers, who come to the country to represent a civil or commercial society, group or economic conglomerate that makes foreign investment in a company established in the country, with the potential to generate jobs or income in the country*” (Decree 9.199/2017, Article 43); also the residence permit should be granted in this situation of foreigner investment in Brazilian companies (151, § 2º).

§3 The amount of the investment in the present case shall be at least of R\$ 600.000,00 (in Brazilian currency) by each person, proved with international bank transfer of money; or at least R\$ 150.000,00 plus the generation of 10 new jobs in the period of 2 years, not being necessary the generation of jobs if the investment was done trough Private Equity Investment Fund (Normative Resolution CNI nº 11/2017). The term of the Residence Permit in this case of administrators will be for an indefinite period.

§4 It is also important to note that in the case of regulated markets will be demanded the specific authorization of the Agencies, such as the Brazilian Central Bank and the Superintendence of Private Insurance.

§5 And considering the nature of the function, all the corporate documents will be demanded to prove the relation among the immigrant and the Brazilian legal entity, such as the meeting minute with the act of appointment of the immigrant to the position and the articles of association/bylaws.

* in our understanding of Law in Brazil, the possibility of natural persons be managers in Brazilian companies, living in Brazil, do not conflict with the possibility of foreign managers, living abroad, when are working for the Brazilian companies (companies with headquarter in Brazil); this new possibility (foreign managers living outside Brazil) was given by the Law 14.195/2021, which changed the Corporate Law 6404/1976: the investiture of a manager who is resident or domiciled abroad is subject to the appointment of a representative residing in Brazil, with powers for, up to, at least, 3 (three) years after the end of the manager's term of office.

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