

WAIVER OF VISA FEES FOR NONIMMIGRANTS

Exchange of notes at Rio de Janeiro December 16 and 17, 1937

Entered into force January 1, 1938

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The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

DECEMBER 16th, 1937

EXCELLENCY,

I have the honor to inform Your Excellency that the Brazilian Government agrees that no charge whatsoever shall be collected for visas or for the formalities necessary for the obtaining of visas which its representatives place on the passports of nationals of the United States of America and the Philippine Islands who are not immigrants and who come to Brazil on a visit.

2. For the purposes of this agreement, the national of either party who maintains a domicile in his own country with the intention of return thereto after a temporary absence and who goes to the country of the other contracting party for a temporary sojourn and for one of the following reasons shall be considered a non-immigrant:

(a) To represent his Government in any official capacity; his family, attendants, servants and employees shall also be considered non-immigrants;

(b) To visit the foreign country as a tourist or on business without, however, taking up residence for the purpose of establishing himself commercially or of undertaking any professional activity;

(c) To pass through the country in transit to a third country;

(d) In the case of seamen, to remain in the foreign country during the period in which their respective ships remain in port.

3. For the purposes of the present agreement, citizens of the United States of America, their wives and unmarried children, authorized to enter Brazil solely to carry on trade in accordance with the provisions of a treaty of commerce and navigation already in force, or which may be concluded in the future, shall also be considered non-immigrants.

4. It is clearly understood that the above provisions refer only to nationals of the two countries and not to persons holding passports issued to foreigners, and do not affect other provisions in force in the territories of the

two countries regarding their respective immigration and public health laws.

5. The present agreement shall come into force on January 1st, 1938, and shall remain in force indefinitely until it is denounced by either of the Contracting parties on giving three months' notice.

I take this opportunity to renew to Your Excellency the assurance of my highest consideration.

MARIO DE PIMENTEL BRANDAO

His Excellency

Mr. JEFFERSON CAFFERY

Ambassador of the United States of America

The American Ambassador to the Minister of Foreign Affairs

No. 72

RIO DE JANEIRO, *December 17, 1937*

EXCELLENCY:

I have the honor to inform Your Excellency that the Government of the United States of America agrees that no charge whatsoever be collected for visas which its representatives place on the passports of nationals of Brazil who are not immigrants and who come to the United States or to the Philippine Islands on a visit, or for executing applications therefor.

For the purposes of this agreement, the national of either of the contracting parties, who maintains a domicile in his own country, with the intention to return thereto after a temporary absence, and who goes to the country of the other contracting party for a temporary sojourn and for the following reasons, will be considered a non-immigrant:

- a) —to represent his Government in any official capacity, including his family, attendants, servants, and employees;
- b) —to visit the foreign country as a tourist or on business without, however, taking up residence for the purpose of establishing himself commercially or of undertaking any professional activity;
- c) —to pass through the country in transit to a third country;
- d) —in the case of seamen, to remain in the foreign country during the period in which their respective ships remain in port;
- e) —Brazilian nationals, their wives and unmarried children, entitled to enter American territory, including the Philippine Islands, solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation, or one which may be concluded in the future.

It is clearly understood that the above provisions refer only to the nationals of the two countries and not to persons holding passports given to foreigners

and do not affect other provisions in effect in the territories of the two countries with respect to the immigration and public health laws.

This agreement will enter into effect on the 1st day of January, 1938, and will remain in effect indefinitely until it is denounced by either of the contracting parties on three months previous notice.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

JEFFERSON CAFFERY

His Excellency

Dr. MARIO DE PIMENTEL BRANDAO

Minister for Foreign Affairs

Rio de Janeiro