

Real Estate Investment: Normative Resolution No. 36
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NORMATIVE RESOLUTION No. 36 OF OCTOBER 9, 2018

Regulates the granting of residence authorization due to real estate investment in Brazil. (Amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

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The **National Immigration Council**, a collegiate body that is part of the basic structure of the Ministry of Justice and Public Security, as referred to in Art. 38, item VIII, of Law No. 13,844, of June 18, 2019, and Art. 2, item III, of Annex I of Decree No. 9,662, of January 1, 2019, in the use of the powers granted by Decree No. 9,873, of June 27, 2019, and Decree No. 9,199, of November 20, 2017, resolves: (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 1 This Resolution provides for the granting of residence authorization due to real estate investment in Brazil. (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

Sole paragraph. The Ministry of Justice and Public Security may grant residence authorization, under the terms of Art. 35 of Law No. 13,445, of May 24, 2017, and Arts. 42 and 151, caput, of Decree No. 9,199, of 2017, to individuals who intend to make real estate investments in Brazil using their own resources of external origin. (Paragraph added by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 2 The granting of residence authorization for real estate investment is conditional upon the acquisition of real estate located in an urban area, in an amount equal to or greater than BRL 1,000,000.00 (one million reais), which may be:

- a) acquisition of constructed real estate; or
- b) acquisition of real estate under construction.

§ 1 The minimum investment amount may be up to 30% lower than the amount stated in the caput of this article, when the property is acquired in the North or Northeast regions of the country.

§ 2 The applicant may prove the real estate investment mentioned in this Resolution through the acquisition of more than one property as the owner, provided the sum of all properties meets the amount stated in the caput or in § 1 of this article.

Art. 3 The request for prior residence authorization, for the purpose of obtaining a temporary visa, shall be analyzed by the Ministry of Justice and Public Security upon submission of the following documents: (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

I – in the case of item “a” of Art. 2:

- a) Property Registration Certificate, attesting to the investor's ownership of the property, free of liens or encumbrances; and
- b) statement from a financial institution authorized or registered in Brazil with the Central Bank of Brazil, confirming the international transfer of funds for the acquisition of the real estate in the amount defined in the caput of Art. 2, subject to § 1 of Art. 2.

II – in the case of item “b” of Art. 2:

- a) Purchase and Sale Agreement of the property, duly registered;
- b) statement from a financial institution authorized or registered in Brazil with the Central Bank of Brazil, confirming the international transfer of funds for the acquisition or deposit paid under the Purchase and Sale Agreement, in the amount defined in the caput of Art. 2, subject to § 1 of Art. 2;
- c) Building Permit issued according to Brazilian legislation; and
- d) Registered Incorporation Memorandum.

III – other documents required by Normative Resolution No. 01 of 2017, of the National Immigration Council (CNIG).

§ 1 Co-ownership may be allowed, provided that each co-owner has invested the amount defined in the caput of Art. 2, subject to § 1 of Art. 2.

§ 2 The portion of the real estate investment exceeding BRL 1,000,000.00 may be financed, subject to § 1 of Art. 2.

§ 3 Whenever deemed appropriate, the Ministry of Justice and Public Security may carry out on-site inspections to verify the investment. (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

§ 4 The residence period provided for in the caput shall be four (4) years. (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 4 Applicants already in national territory may be granted residence authorization by the Ministry of Justice and Public Security under the terms of Art. 151, caput, of Decree No. 9,199, of 2017, upon submission of the documents listed in Art. 3. (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

Sole paragraph. The residence period provided for in the caput shall be four (4) years. (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 5 After the residence period set in § 4 of Art. 3, the initial residence authorization may be changed to an indefinite term, provided the following documents are submitted: (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

a) the documents listed in Art. 3, as applicable, to prove the maintenance of the investment conditions established in Art. 2 of this Resolution;
b) copy of the National Migratory Registration Card (CRNM); and
c) criminal background certificates or equivalent documents issued by the competent judicial authority of the countries where the applicant has resided during the temporary residence authorization period.

Sole paragraph. Real estate investors who obtained initial residence authorization for a period of less than 4 years, provided the original conditions are maintained, may request renewal up to the time needed for the change to an indefinite period as provided in the caput. (Paragraph added by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 6 The real estate investor must remain in national territory for at least 14 (fourteen) days, whether consecutive or non-consecutive, during each two-year period, starting from the date of registration with the Federal Police. (Text amended by CNIG MJSP Resolution No. 46, of December 9, 2021)

Sole paragraph. If the requirements of the caput are met, the cause for loss of residence authorization stated in item III of Art. 135 of Decree No. 9,199, of 2017, shall not apply. (Paragraph added by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 6-A In case of non-compliance with the requirements provided in the caput of Art. 6 or if the deadline to apply for an indefinite residence period is missed, the real estate investor may request a new residence authorization for the period provided in § 4 of Art. 3, provided the investment is maintained. (Article added by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 6-B The termination of the basis that supported the granting of residence authorization, if identified during either the fixed or indefinite term, will result in its revocation under the terms of Art. 135, I, of Decree No. 9,199, of 2017. (Article added by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 6-C If, at any time, relevant information is omitted or false declarations are found during procedures governed by this Resolution, a process to cancel the residence authorization will be initiated in accordance with Art. 136 of Decree No. 9,199, of 2017. (Article added by CNIG MJSP Resolution No. 46, of December 9, 2021)

Art. 7 This Normative Resolution enters into force on the date of its publication.

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