



Visa Requirements for U.S. Citizens

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VISA POLICY AND REQUIREMENTS FOR U.S. VISITORS

BRAZIL

Executive Summary

To enter into Brazilian territory, a U.S. traveler needs a visa. The current Brazilian immigration law was developed during the period of military dictatorship, which occurred in the late 1960s and the 1970s, and it has a national security perspective. At present, there is a bill being analyzed (Novo Estatuto do Estrangeiro) in the Ministry of Justice, tailored under a human rights perspective. No sources were found which indicate future changes to the visa requirements for U.S. travelers.

According to the Brazilian Foreigner's Law (*Lei No. 6,815 de 19 de Agosto de 1980*), in order to travel to and enter Brazilian territory, an alien needs a visa, which can be one of the following types: transit, tourist, temporary, permanent, courtesy, official, or diplomatic.¹

An alien under the age of eighteen, unaccompanied by his legal representative or without express authorization, cannot obtain a visa. The same rule applies to aliens considered harmful to the public order or national interests; aliens previously expelled from Brazil, except when the expulsion has been revoked; aliens sentenced or prosecuted abroad for crimes conducive to extradition under domestic law; or aliens that do not meet the health standards established by the Ministry of Health.²

The visa granted to an alien by the consular authority does not imply any guarantee of entrance or permanent residence in Brazil.³ Additionally, an alien who does not present a valid travel document or any other form of identification valid in Brazil; who presents an identification that has expired, that has been tampered with, or that has indications of forgery; or who presents a consular visa that does not observe the conditions established in Law No. 6,815, cannot be admitted into the country.⁴

Resident aliens enjoy all rights recognized to Brazilian citizens according to the Constitution and its domestic laws,⁵ and aliens must show proof of legal immigration status in the Brazilian territory as required by any authority.⁶ Aliens must have specific authorization to

¹ Estatuto do Estrangeiro, Lei No. 6.815, de 19 de Agosto de 1980, D.O.U. 19.08.1980, art. 4. (Braz).

² *Id.*, art. 7.

³ *Id.*, art. 26.

⁴ Decreto No. 86.715, de 10 de Dezembro de 1981, D.O.U. 11.12.1981, art. 51. (Braz.).

⁵ *Id.*, art. 95.

⁶ *Id.*, art. 96.

work, and the bearers of tourist, transit, or temporary visas, as well as their dependents, cannot work.⁷ An employer of unauthorized aliens is subject to fines for each such person employed.⁸

The current Brazilian immigration law was developed during the period of military dictatorship, which occurred in the late 1960s and the 1970s, and it has a national security perspective. Currently a bill is under analysis (*Novo Estatuto do Estrangeiro*) in the Ministry of Justice, tailored under a human rights perspective. The philosophy underlying the proposed law disassociates immigration from national security, simplifies the entrance of citizens of MERCOSUR⁹ member countries and the Community of Countries of Portuguese Language into Brazil, and adopts other measures designed to facilitate the immigration-economic development equation.¹⁰

No source was found indicating any plan to lift the visa requirements for U.S. travelers to Brazil or the possibility of future changes in the mentioned visa requirements.

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⁷ Lei No. 6.815, de 19 de Agosto de 1980, D.O.U. 19.08.1980, art. 98.

⁸ *Id.*, art. 125, VII.

⁹ MERCOUR or MERCOSUL is an economic bloc established as a Customs Union between Brazil, Argentina, Uruguay, and Paraguay, with the purpose of promoting free trade and a more fluid movement of goods, people, and currency among these countries.

¹⁰ Press Release, Brazil Ministry of Justice, Estatuto do Estrangeiro Vai para Consulta Pública (Sept. 1, 2005), available at <http://www.mj.gov.br>. This hyperlink connects to the official Web site of Brazil's Ministry of Justice.

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CHINA

VISA POLICY AND REQUIREMENTS
FOR U.S. CITIZENS

The visa policy of the People's Republic of China (China)¹ is primarily provided by the *PRC Law on Control of the Entry and Exit of Aliens* (Entry and Exit Law).²

Currently, a U.S. traveler must obtain a visa to enter China (Entry and Exit Law, art. 6 (1), *supra* at 40), with several exceptions. For U.S. travelers, visas are not required in cases of : (i) immediate transit within twenty-four hours;³ (ii) transit through Shanghai within forty-eight hours;⁴ (iii) entering the Zhujiang Delta and staying for six days or less, when traveling for fun in the Hong Kong Special Administrative Region (SAR) or the Macau SAR when the trip is booked through a travel agent registered in the SARs;⁵ and (iv) traveling for fun in Hainan Province and staying for fifteen days or less when the trip is booked through a travel agent registered in Hainan.⁶ This list of visa exceptions may not be exclusive, given the time limitations of this report.

China has signed bilateral agreements with sixty-four countries on mutual visa exemptions for specified passport holders, according to the MFA-published data current to Oct. 27, 2006; the United States is not one of them.⁷

There is no source located indicating future changes to the visa requirements for U.S. travelers to China, or raising the possibility of allowing U.S. citizens to travel to China without visas generally. This has been confirmed by an official in the Chinese Embassy in the U.S.⁸

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¹ For purposes of this report, the visa policies of Hong Kong SAR, Macau SAR, and Taiwan are not included in the discussion.

² Promulgated by the Standing Committee of the National People's Congress (NPCSC), effective on Feb. 1, 1986 (1985 FAGUI HUIBIAN 39 (official source) and its implementing rules (jointly promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs (MFA), last amended on July 15, 1994) (1994 FAGUI HUIBIAN 269 (official source).

³ Entry and Exit Law, art. 6 (4), *id.*, at 40.)

⁴ *If a Visa is Necessary for Entering Mainland China* (in Chinese), last updated Aug. 10, 2006, available at the official Web site of the MFA, <http://www.fmprc.gov.cn/chn/lsfw/qzjj/t266910.htm>.

⁵ *Id.*

⁶ *Id.*

⁷ *List of Agreements on Mutual Visa Exemption Between the P.R. China and Foreign Countries*, available at the official Web site of the MFA, <http://www.fmprc.gov.cn/chn/lsfw/qzjj/zlbg/t267979.htm> (last visited Dec. 17, 2007).

⁸ Author's interview by telephone with an official of the Chinese Embassy in the United States on Dec. 17, 2007, and a second telephone interview with an MFA official in China, also on Dec. 17, 2007.

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INDIA
VISA POLICY AND REQUIREMENTS
FOR U.S. VISITORS

Indian laws, including rules, regulate the entry into and stay in India of foreigners, including U.S. citizens.¹ The Act empowers the Central Government to make rules requiring that every person entering India must possess a valid passport, as well as rules for all related matters.² The provision states that the rules may provide for exemptions or prescribe special conditions for a person or class of persons.

Rule 3, framed under the Act, requires every person, including an Indian citizen, entering India to possess a valid passport issued by a competent authority. For all foreigners, including U.S. citizens, Rule 3 allows the Indian government to place extra conditions on the passport to prove its validity.³ For foreigners the passport must be endorsed with a visa stamp on behalf of the Central Government by a proper Indian consular or passport authority.⁴ The visa is issued according to the purpose of the visit. The validity of the visa period depends on the nature of the visit. Visas may be issued for students, tourists, and businesspersons.

It is worth noting that for U.S. tourist visas only, the period of validity can be for a maximum period of ten years, according to a bilateral agreement; each visit however, can be for no longer than a period of six months.

There is no pending legislation suggesting a change in the above regulations.

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¹ The Passport (Entry Into India) Act, No. 34 of 1920.

² The Passport (Entry Into India) Act, No. 34 of 1920, § 3(2)^o.

³ The Passport (Entry Into India) Rules, 1950, rules 3 (a), 4 (2) and 5.

⁴ The Passport (Entry Into India) Rules, 1950, rule 5 (iv).

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RUSSIAN FEDERATION

**VISA POLICY AND REQUIREMENTS
FOR U.S. CITIZENS**

Executive Summary

A visa issued by a Russian consular office abroad upon one's personal application and a formal invitation from a Russian hosting party is the requirement for entry into Russia. The visa fee depends on the number of entries permitted and the length of a visa's validity, which cannot exceed two years. U.S. proposals for extension of the visa validity period were rejected by the Russian Foreign Ministry. Recent simplification of the visa regime between Russia and the EU did not affect the majority of travelers.

I. Visa Requirements for Foreign Travelers

The main document regulating the entry of foreign and stateless individuals into Russia is the Federal Law of the Russian Federation on the Procedure of Entry Into and Exit from the Russian Federation of August 15, 1996.¹ The Law established basic visa requirements and stated that a valid passport and a visa issued by a Russian consular office outside the Russian territory are required to enter Russia. The visa issuance procedure varies depending on the applicant's country of citizenship. All procedures and requirements are established by a set of government decrees and bilateral agreements concluded between the governments. These agreements are drafted and implemented by the Ministry of Foreign Affairs and its Main Consular Service Department.

A written application and official invitation from a Russian party are the grounds for the issuance of a visa. Russian authorities issue the following types of visas: business, private, tourist, and transit visas. In order to apply for a visa, a visa application, passport, applicant's photograph, and payment of a visa fee in the amount from US\$ 100 to 450, depending on the length of processing and number of entries permitted, must be submitted to the visa section of the Russian embassy in person or by mail. Visa applications for U.S. travelers to Russia are lengthy and intrusive and require full disclosure of personal information about the applicant's and his or her relatives' employment, education, residence, medical, and travel history.

Depending on the type of visa, a cover letter explaining the trip's purpose, destinations, and terms; an official letter of invitation from a Russian legal or physical person hosting a foreign visitor;² a proof of means for staying in Russia; and HIV test certificate, if one applies for a visa valid for more than three months, must be produced. Applicants can be interviewed at the discretion of a Russian consular officer. Visas cannot be changed or extended, and if travel plans have changed after the visa issuance, a foreign visitor needs to reapply for a new visa.

As a rule, Russian visas cannot be issued for a long-term period. The longest valid multiple entry visas, for American businessmen, cannot be issued for a period longer than two years. Specific types of visas (e.g., for students or journalists) are issued for a one-year period only. In April 2007, the Russian

¹ ROSSIISKAIA GAZETA [Government owned daily newspaper, official publication, RG) Aug. 22, 1996, at 1.

² An individual letter of invitation for one's private visa shall be approved by the local police department, and the legal entity shall be registered with the federal Ministry of Foreign Affairs in order to issue such a letter.

Ministry of Foreign Affairs rejected the idea proposed by the General Consul of the United States in Moscow to simplify U.S.-Russian visa relations and extend the visa validity period.³

Admission of foreigners to Russia is also complicated by the requirement of police registration. If a foreigner is going to stay more than three days at the same Russian location he or she must submit in person his or her passport with the visa, the migration card, and the confirmation written by the owner of his or her place of stay (unless this is not a hotel) to the local police station. Hotel administrations are allowed to conduct registration on behalf of the guests. Violation of the registration requirement may entail fines and other complications during the exit from the country and may be a reason for denying a visa request in the future.

II. Current Developments in Visa Policy

Taking into account the anti-Western rhetoric used by Russian leaders and the current practices of closing and restricting activities of foreign consular services,⁴ it is doubtful that visa requirements for foreigners can be lifted or simplified in the near future. No legislation aimed at amending the Federal Law on Entry into and Exit from the Russian Federation or introduction of a simplified visa regime is presently included in the agenda of the Russian legislature.⁵ Some changes in the visa procedures, however, aimed at making obtaining a visa easier for some categories of travelers, were introduced recently. As of January 1, 2008, visa-free exchange of organized tourist groups will be introduced between Russia and Israel. This decision was made during the visit of the Israeli Foreign Minister to Moscow in August 2007, and a relevant intergovernmental agreement was concluded soon after the visit.⁶

On June 1, 2007, the Visa Regime Simplification Treaty between the European Union and Russian Federation entered into force. According to the Treaty, single-entry visas and multi-entry visas with stay in a EU country not exceeding three months will be issued to the members of official government delegations, sport teams, scientists, and students participating in scholarly exchange programs upon producing an official invitation from foreign colleagues. Submission of other documents will not be required. The Treaty provides for processing such visas within a ten-day period. Holders of diplomatic passports will be eligible for a visa-free admission for trips up to three months long during a half-year period to the EU countries, except Denmark, Great Britain, and Ireland. Also, according to the Treaty, the visa fee increase will not be applicable to Russian citizens, and for the citizens of the so-called Schengen countries⁷ a Russian visa will cost €35 (approx. U.S. \$50), [need U.S dollar equivalent] as before. Students, disabled individuals, and individuals visiting their close relatives will be exempt from paying the fee.⁸

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³ Marina Lemutkina, SShA Rastianut Visy [USA Ready to Extend Vias], GAZETA.RU, Apr. 17, 2007, at http://www.gazeta.ru/2007/04/17/oa_236894.shtml.

⁴ See, e.g., Peter Finn, *Russia Demands Closing of British Council Offices*, WASHINGTON POST, Dec. 12, 2007, at A12.

⁵ See the official Website of the Russian legislature, <http://www.duma.gov.ru/>.

⁶ RG, Nov. 8, 2007, at 3.

⁷ The 1985 Schengen Agreement is an agreement between some European countries for the systematic abolition of some border controls, and the adoption of some policies in common, including provisions on the temporary entry of persons across borders. The Agreement led to the 2005 adoption by the EU of the Schengen Borders Code, regulations which differentiate between the entry requirements for citizens of member countries and for citizens of non-member countries, *Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006*, available at http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_105/l_10520060413en00010032.pdf.

⁸ Sobranie Zakonodatelstva Rossiiskoi Federatsii (official gazette) 2007, No.21, Item 2455.