

N° 4325.

---

ÉTATS-UNIS D'AMÉRIQUE  
ET BRÉSIL

Echange de notes comportant un accord relatif à la suppression des taxes de visa des passeports pour les touristes des deux pays. Rio de Janeiro, les 16 et 17 décembre 1937.

---

UNITED STATES OF AMERICA  
AND BRAZIL

Exchange of Notes constituting an Agreement regarding the Abolition of Charges for Passport Visas for Tourists of Both Countries. Rio de Janeiro, December 16th and 17th, 1937.

No 4325. — TROCA DE NOTAS ENTRE O GOVERNO DOS ESTADOS UNIDOS DA AMERICA E O GOVERNO BRASILEIRO RELATIVAS A UN ACCORDO SUPPRIMINDO O EMOLUMENTO PARA O VISTO EM PASSAPORTE DE TURISTA. RIO DE JANEIRO, EM 16 E EM 17 DE DEZEMBRO DE 1937.

No. 4325. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE BRAZILIAN GOVERNMENT CONSTITUTING AN AGREEMENT REGARDING THE ABOLITION OF CHARGES FOR PASSPORT VISAS FOR TOURISTS OF BOTH COUNTRIES. RIO DE JANEIRO, DECEMBER 16TH AND 17TH, 1937.

*Textes officiels portugais et anglais communiqués par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis du Brésil à Berne. L'enregistrement de cet échange de notes a eu lieu le 9 avril 1938.*

*Portuguese and English official texts communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of Brazil at Bern. The registration of this Exchange of Notes took place April 9th, 1938.*

## I.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

*Em 16 de Dezembro de 1937.*

SENHOR EMBAIXADOR,

Tenho a honra de informar Vossa Excellencia de que o Governo do Brazil concorda em que não seja cobrado emolumento algum pelo visto e pelas formalidades necessarias á obtenção do visto que as suas autoridades appuzerem nos passaportes dos nacionaes dos Estados Unidos da America e das Ilhas Philippinas, que não sejam immigrantes e venham ao Brasil em visita.

2. Para os fins deste accôrdo, será considerado não immigrante o nacional de qualquer das partes que mantenha domicilio na sua patria, com a intenção de a ella voltar após ausencia temporaria, o que vá ao paiz da outra parte contractante para nelle ficar temporariamente e apenas com um dos seguintes objectivos :

a) — representar o seu Governo em qualquer missão official ; sua familia, seus

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

## I.

<sup>1</sup> TRADUCTION. — TRANSLATION.

*December 16th, 1937.*

EXCELLENCY,

I have the honour 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 to 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, atten-

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

auxiliares, criados e empregados tambem serão considerados não immigrantes ;

*b)* — visitar o paiz estrangeiro como turista ou a negocio, mas sem fixar residencia para se estabelecer commercialmente ou para exercer alguma actividade professional ;

*c)* — atravessar o paiz, em transitio para terceiro paiz ;

*d)* — sendo maritimo, permanecer no paiz estrangeiro durante o periodo em que o respectivo navio se demorar nos portos de tal paiz.

3. Não serão tão pouco considerados immigrantes, para os fins do presente Accôrdo, os cidadãos dos Estados Unidos da America do Norte, suas mulheres e seus filhos solteiros, autorizados a entrar no Brasil somente para commerciar, de accôrdo com as estipulações de um tratado de Commercio e Navegação existente, ou que possa vir a ser concluido no futuro.

4. Fica claramente entendido que as disposições acima só se referem aos nacionaes dos dois paizes, e não ás pessoas munidas de passaportes para estrangeiros ; e não atingem outras disposições vigentes nos territorios dos dois paizes, concernentes ás respectivas leis de immigração e saude publica.

5. O presente accôrdo entrará em vigor no dia 1º de janeiro de 1938, e durará indefinidamente, até que seja denunciado por qualquer das partes contractantes, mediante notificação com tres mezes de antecedencia.

Aproveito a oportunidade para reiterar a Vossa Excellencia os protestos da minha mais alta consideração.

(A) Mario DE PIMENTEL BRANDÃO.

A Sua Excellencia  
o Senhor Jefferson Caffery,  
Embaixador dos Estados Unidos  
da America.

É copia authentica :  
Secretaria de Estado  
das Relações Exteriores,  
Rio de Janeiro D.F.,  
em 19 de Fevereiro de 1938.

R. Mendes Gonçalves,  
Chefe do Serviço  
dos Limites e Actos Internacionaes.

dants, 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, authorised 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.

(Signed) Mario DE PIMENTEL BRANDÃO.

His Excellency  
Mr. Jefferson Caffery,  
Ambassador of the United States  
of America.

## II.

EMBASSY  
OF THE UNITED STATES OF AMERICA.

RIO DE JANEIRO, *December 17th, 1937.*

EXCELLENCY,

I have the honour 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.

(a) JEFFERSON CAFFERY.

His Excellency Dr. Mario de P. Brandão,  
Min. for Foreign Af. R. J.

É copia autentica :

Secretaria de Estado das Relações Exteriores,  
Rio de Janeiro, D.F., em 19 de Fevereiro de 1938.

R. Mendes Gonçalves,

*Chefe do Serviço dos Limites e Actos Internacionaes.*

<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 4325. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT BRÉSILIEN COMPORTANT UN ACCORD RELATIF A LA SUPPRESSION DES TAXES DE VISA DES PASSEPORTS POUR LES TOURISTES DES DEUX PAYS. RIO DE JANEIRO, LES 16 ET 17 DÉCEMBRE 1937.

I.

*Le 16 décembre 1937.*

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de porter à votre connaissance que le Gouvernement du Brésil convient de ne percevoir aucun droit pour le visa que les autorités brésiliennes apposent sur les passeports des ressortissants des Etats-Unis d'Amérique et des îles Philippines, qui ne sont pas des immigrants et qui se rendent au Brésil en visite, ni pour les formalités qui sont nécessaires en vue de l'obtenir.

2. Aux fins du présent accord, sera considéré comme non-immigrant tout ressortissant de l'une quelconque des Parties contractantes qui conserve son domicile dans sa patrie avec l'intention d'y retourner après une absence temporaire ou qui se rend dans le pays de l'autre Partie contractante afin d'y séjourner temporairement et uniquement pour une des raisons suivantes :

*a)* Représenter le gouvernement de son pays à titre officiel; sa famille, ses collaborateurs, ses domestiques et ses employés seront également considérés comme non-immigrants ;

*b)* Visiter le pays étranger en qualité de touriste ou pour affaires, sans toutefois s'y fixer dans le but de s'y établir comme commerçant ou d'y exercer une profession quelconque ;

*c)* Traverser le pays pour se rendre dans un tiers pays ;

*d)* S'il s'agit de marins, demeurer dans le pays étranger pendant tout le temps que le navire auquel ils appartiennent reste dans les ports dudit pays.

3. Ne seront pas non plus considérés comme immigrants, aux fins du présent accord, les citoyens des Etats-Unis de l'Amérique du Nord, leur femme et leurs enfants non mariés qui sont autorisés à entrer au Brésil dans le seul but d'y faire du commerce, conformément aux stipulations d'un traité de commerce et de navigation actuellement en vigueur ou qui pourrait être conclu à l'avenir.

4. Il est bien entendu que les dispositions susmentionnées visent uniquement les ressortissants des deux pays et non pas les personnes munies de passeports pour étrangers ; et qu'elles ne portent pas atteinte aux autres dispositions en vigueur dans les territoires des deux pays et ayant trait aux lois sur l'immigration et la santé publique.

5. Le présent accord entrera en vigueur le 1<sup>er</sup> janvier 1938 et restera applicable aussi longtemps qu'il n'aura pas été dénoncé par l'une des deux Parties contractantes moyennant préavis de trois mois.

Je saisis cette occasion, etc.

*(Signé)* MARIO DE PIMENTEL BRANDÃO.

Son Excellence Monsieur Jefferson Caffery,  
Ambassadeur des Etats-Unis d'Amérique.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.