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Disclaimer: The information in this circular relating to the legal requirements of specific foreign countries is provided for general information only and may not be totally accurate in a particular case. Questions involving interpretation of specific foreign laws should be addressed to foreign counsel. This circular seeks only to provide information; it is not an opinion on any aspect of U.S., foreign, or international law. The U.S. Department of State does not intend by the contents of this circular to take a position on any aspect of any pending litigation.

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Summary: Judicial assistance between the United States and Brazil is governed by the [Vienna Convention on Consular Relations](#) (VCCR)(Article 5(f)), 21 UST 77, TIAS 6820, 596 U.N.T.S. 261; the to the [Inter-American Convention on Letters Rogatory and Additional Protocol](#) to which the United States and Brazil are parties (the provisions on service of process only), and the U.S. - Brazil Treaty on Mutual Legal Assistance in Criminal Matters [Treaty Doc. 105-42](#) 105th Cong. 2nd Sess., Exec. Rept 105-22, 105th Cong, 2nd Sess.

Service of Process: Brazil is not a party to the [Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil and Commercial Matters](#). The United States and Brazil are parties to the [Inter-American Convention on Letters Rogatory and Additional Protocol](#). The United States only has a treaty relationship with countries party to both the Convention and the Additional Protocol, which relate to service of process. The United States **is not a party** to the obtaining evidence provisions of this treaty. The U.S. Central Authority for the treaty is the U.S. Department of Justice, Civil Division, Office of Foreign Litigation, Washington, D.C. Requests for service under the Inter-American Convention on Letters Rogatory and Additional Protocol may be sent to the U.S. Department of Justice's contractor, [Process Forwarding International](#) (PFI), for transmittal to the Brazilian Central Authority.

Service of Criminal Subpoenas: U.S. consular officers are permitted to serve criminal subpoenas on U.S. citizens and U.S. Lawful Permanent Residents abroad pursuant to 22 CFR 92.86, when specifically authorized by the Department of State.

Service on a Foreign State: See also our [Service Under the Foreign Sovereign Immunities Act](#) (FSIA) feature and [FSIA Checklist](#) for questions about service on a foreign state, agency or instrumentality.

Taking Depositions of Willing Witnesses: **Brazil is not a party** to the [Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters](#). **The United States is not a party to the evidence provisions of the Inter-American Convention on Letters Rogatory.** Brazilian authorities do **not** permit persons, such as American attorneys, to take depositions for use in a court in the United States before a U.S. consular officer, with the assistance of a Brazilian attorney, or in any other manner. Brazilian law views the taking of depositions for use in foreign courts as an act that may be undertaken in Brazil only by Brazilian judicial authorities. The Government of Brazil asserts that, under Brazilian Constitutional Law, only Brazilian judicial authorities are competent to perform acts of a judicial nature in Brazil. Brazil has advised it would deem taking depositions in Brazil by foreign persons to be a violation of Brazil's judicial sovereignty. Such action potentially could result in the arrest, detention, expulsion, or deportation of the American attorney or other American participants. The United States recognizes the right of judicial sovereignty of foreign governments based on customary international law and practice; **See**, *e.g.*, the Restatement (Third) of Foreign Relations Law (1987). It is the State Department's understanding that the Brazilian prohibition on taking depositions by foreign persons extends to telephone or video teleconference depositions initiated from the United States of a witness in Brazil.

The U.S. Embassy or Consulates in Brazil could in no way participate in, or otherwise sanction, such a proceeding. The State Department advises U.S. citizens contemplating participation in such a proceeding, without Brazil's concurrence, obtained through diplomatic channels, to consider carefully the possible legal consequences of doing so. Requests for Brazilian judicial assistance in taking a deposition must be addressed to the Ministry of Justice (Ministerio da Justica, Esplanada dos Ministerios - Bloco T, 70064-900 - Brasilia, DF, Brazil and should be made after consultation with a Brazilian attorney. On [May 24, 2001](#) and [October 29, 2001](#), the U.S. Department of State executed two declarations at the request of the U.S. Department of Justice filed in the United States District Court for the District of New Jersey in the civil tax matter of Frank Wheaton, III v. Porreca, et al; Civil No. 00-2205; United States v. Porreca; Civil No. 99-5943 regarding the problems inherent in seeking to obtain evidence in Brazil.

Travel to Brazil For Judicial Assistance Activities: Before traveling to Brazil for judicial assistance related activities, see the Country Specific Information and any applicable [Travel Alerts](#) or [Travel Warnings](#). It is also recommended that U.S. travelers [sign up for the Smart Traveler Enrollment Program \(STEP\) with the U.S. Embassy using our on-line enrollment system](#). If the person traveling is a U.S. Government official, see [Host Country Clearance Travel of U.S. Government Officials Regarding Judicial Assistance](#).

Compulsion of Evidence: Brazil is not a party to the [Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters](#). Compulsion of evidence from an unwilling witness in civil or commercial matters must be taken before a Brazilian court pursuant to a letter rogatory in accordance with Article 5(j) of the [VCCR](#).

Preparation of Letters Rogatory for Use in Brazil: See our information brochure entitled [Preparation of Letters Rogatory](#). Letters Rogatory should be submitted in duplicate in English with Portuguese translations and may be

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transmitted via diplomatic channels from the U.S. Department of State, Bureau of Consular Affairs, [Overseas Citizens Services](#), Office of American Citizens Services and Crisis Management, Inter-American Division, 1-888-407-4747. Letters rogatory for compulsion of evidence should be transmitted to the U.S. Department of State, Bureau of Consular Affairs, [Overseas Citizens Services](#), Office of American Citizens Services and Crisis Management, Western Hemisphere Division, CA/OCS/ACS/WHA. Mailing address: SA-29, 4th Floor, 2201 C Street N.W., Washington, D.C. 20520. Courier service address: 2100 Pennsylvania Avenue N.W., Washington, D.C. 20037.

Fees: The consular fee for letters rogatory is set forth in [22 CFR 22.1](#). The current fee provided in 22 CFR 22.1 Schedule of Fees item 51 is \$735.00, which should be furnished in the form of a certified or corporate check payable to the U.S. Embassy. No fees are normally charged for letters rogatory at the request of U.S., state or local government officials or at the request of parties in criminal cases that have been found to be indigent by a court.

Criminal Matters: U.S. federal or state prosecutors should also contact the [Office of International Affairs, Criminal Division, Department of Justice](#) at (202) 514-0015 for guidance about the Treaty between the Government of the United States of America and the Government of Brazil on Mutual Legal Assistance in Criminal Matters [Treaty Doc. 105-42](#) 105th Cong. 2nd Sess., Exec. Rept 105-22, 105th Cong, 2nd Sess. The treaty entered into force February 21, 2001.

Defense Requests in Criminal Matters: The U.S. Department of State expects criminal defendants, or their defense counsel, who wish to request judicial assistance in obtaining evidence or in effecting service of documents abroad in connection with criminal matters to make such requests pursuant to letters rogatory in accordance with Article 5(j) of the [VCCR](#). See Preparation of Letters Rogatory for Use in Brazil above.

Authentication of Documents: Brazil is not a party to the Hague Convention [abolishing the Requirement for Legalization of Foreign Public Documents](#).

Documents issued in the United States may be authenticated for use in Brazil by (a) contacting the [U.S. Department of State Authentications Office](#) and (b) then having the seal of the U.S. Department of State authenticated by the Embassy of Brazil in Washington, D.C. Documents issued in U.S. states must first be authenticated by the designated state authority, generally the state Secretary of State. See the National Association of Secretaries of State, [Notary Public Administrators page](#) for information about the official in the U.S. state, territory or outlying possession designated to authenticate state documents. For additional information about authentication of documents see our [web page notarial and authentication feature](#). Additional guidance for consular officers about authentication of documents is available at [7 Foreign Affairs Manual 870](#).

Enforcement of Judgments: There is no treaty in force between the United States and any country on the reciprocal [enforcement of judgments](#) in general.

Lists of Attorneys in Brazil: See the [U.S. Embassy in Brazil List of Attorneys](#). See also [Retaining a Foreign Attorney](#).

ADDRESS OF THE AMERICAN EMBASSY AND CONSULATES : The U.S. Embassy is located at The U.S. Embassy is located in Brasilia at Avenida das Nacoes, Lote 3, telephone 011-55-61-3312-7000, after-hours telephone 011-55-61-3312-7400.

There are consulates in the following cities:

Recife: Rua Goncalves Maia 163, telephone 011-55-81-3416-3050, after-hours telephone 011-55-3416-3060; web site at <http://www.embaixada-americana.org.br/index.php?itemmenu=161&submenu=14&action=recife.php>. Consular Section public hours are 1:00 p.m. - 4:00 p.m. Monday through Friday except Brazilian and U.S. holidays.

Rio De Janeiro: Avenida Presidente Wilson 147, telephone 011-55-21-2292-7117, after-hours 011-55-21-2220-0489; web site at <http://www.embaixada-americana.org.br/index.php?itemmenu=83&submenu=107&action=rio.php>.

Consular Section public hours are 8:30 a.m. - 11:00 a.m. (passports and reports of birth by appointment) and 1:00 p.m. - 3:00 p.m. (notary services), Monday through Friday, except Brazilian and U.S. holidays. Non-emergency passports and reports of appointments should be done by appointment; please request at acsrio@state.gov.

Sao Paulo: Rua Henri Dunant, 500 Barrio Chacara Santo Antonio, telephone 011-55-11-5186-7000, after hours telephone 011-55-11-5181-8730; web site at <http://www.consuladoamericanosp.org.br>. Consular Section public hours are 8:30 a.m. - 11:30 a.m., Monday through Friday and 2:00 p.m. - 3:30 p.m., Monday, Wednesday, and Friday except Brazilian and U.S. holidays. Non-emergency services are done by appointments, please request at ACSAPPTSPL@state.gov, by phone: 11-5186-7315 or by fax: 11-5186-7159.

There are Consular Agencies in:

Belem: Edifício Sintese 21, Av. Conselheiro Furtado 2865, Rooms 1104/1106; telephone 011-55-91-3259-4566.

Manaus: Rua Franco de Sa, 230 Sao Francisco, Edifício Atrium, Rm. 306; telephone 011-55-92-3611-3333.

Salvador da Bahia: Av. Tancredo Neves, 1632, Rm. 1401 - Salvador Trade Center - Torre Sul, Caminho da Arvores; telephone 011-55-71-3113-2090/2091/2092.

Fortaleza: Av. Santos Dumont 2828 s.708 - Aldeota; telephone 011-55-85-3486-1306

Porto Alegre: The Instituto Cultural Brasil Norteamericano, Rua Bachuelo, 1257, Centro; telephone 011-55-51-3226-3344.

Links

U.S. Government Links

- [U.S. Embassy Brazil web page](#)
- [U.S. Commercial Service Brazil](#)
- [Country Specific Information for Brazil](#)
- [Intercountry Adoption – Brazil](#)
- [International Parental Child Abduction Brazil](#)
- [Library of Congress Guide to Law Online – Brazil](#)
- [Brazil Background Notes](#)
- [World Fact Book - Brazil](#)

Brazil Links

- [Brazil Ministry of Justice](#)
- [Brazil Ministry of Foreign Affairs](#)

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