

CARICOM Complaints Procedure - Point of Entry / Departure / Inland¹

A CARICOM national arriving in, transiting or departing a Caribbean Community Member State, and or seeking to exercise a right under the CSME, may have had certain experiences about which he / she wishes to file a complaint with the relevant authorities. The experience(s) may have been at a port of entry, after entry into a Member State, or both.

The following complaints procedure is proposed to assist CARICOM nationals in the exercise of their rights under the Treaty and secondary legislation of the Community. It is recognized that a CARICOM national should be afforded prompt judicial review of a decision taken under any of the free movement regimes including the right of entry. Prior to making a complaint concerning a decision taken under any of the free movement regimes, the CARICOM national should seek judicial review of the decision if this is available and it is feasible for him/her to so do. Failure to seek judicial review will not preclude a CARICOM national from filing a complaint.

1. The Complaints Form shall be available at all airports in the arrival and departure area, the Ministry responsible for Trade, the Ministry responsible for Foreign Affairs, the Ministry responsible for CARICOM Affairs, the Ministry responsible for Labour, the Ministry responsible for National Security, the CSME Focal Point and online;
2. A CARICOM national wishing to make a complaint shall fill out such a complaints form in hard copy or online;
3. The completed form shall be returned (in person / mailed / electronically) to the CSME Focal Point of the receiving country or the home country of the CARICOM national within five working days of the date on which the CARICOM national receives the tribunal's decision into the incident or of the date of the incident, where there is no judicial review process available to the CARICOM national. The form should be copied to the CSME Focal Point of the other country concerned.
4. The CSME Focal Point upon receipt of the complaints form will confirm receipt of the complaint to the CARICOM national copied to the CSME Focal Point of the other country concerned. In the event that the form is sent to the CSME Focal Point in the home country, that Focal Point shall forward the complaint to his/her counterpart in the receiving country;

¹ From www.caricom.org

5. Within two weeks of receipt of a complaint, the CSME Focal Point of the receiving country must start with a review of the form and determine what further information, if any, may be required to facilitate the carrying out of the investigation;
6. The CARICOM national may be contacted in the event that additional information is needed to commence the investigation or during the investigation;
7. The CSME Focal Point may contact the Head of the relevant Department to obtain any necessary information in order to commence an investigation with respect to the complaint or during such an investigation;
8. Where the investigation [by the CSME Focal Point] has revealed that there was a problem, the relevant Department shall be informed so that the necessary corrective actions can be undertaken. The relevant Department shall inform the CSME Focal Point of the corrective actions that have or will be taken;
9. The investigation shall be completed not later than eight weeks after the date of receipt of the complaint, and the CSME Focal Point will inform the CARICOM national and the CSME Focal Point of the home country of the outcome of the investigation.

<http://caricom.org/point-of-entry-departure-inland-caricom-complaints-procedure/>