



ASSIST

STEP-BY-STEP TUTORIAL FOR CASE STUDY 1

Complaint Filed by an ASEAN Enterprise and Rejected by the Central Administrator.

Brief Description of Case: This scenario is that of a complaint that is rejected by ASSIST's Central Administrator (CA) because of it not having been validly lodged by the Complainant. In the case at stake, the rejection took place because the complaint dealt with an issue that falls outside of the scope of ASSIST.

The complaint is in relation to a delay of the complainant's work permit in the Destination Country. The complainant is a director of a consultancy firm in the Home Country with a postgraduate degree in economics, who has been

offered a job in a consultancy firm in the Destination Country and intends to move and live there on a permanent basis. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by the Destination Country. This is jeopardizing the complainant's chances of getting the job. Thus, he wishes to raise an ASSIST complaint against the Destination Country, through his company in the Home Country, for delaying the issuing of his work permit. The basis of Mr. Upset's complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services (AFAS).

List of Actors and Abbreviations:

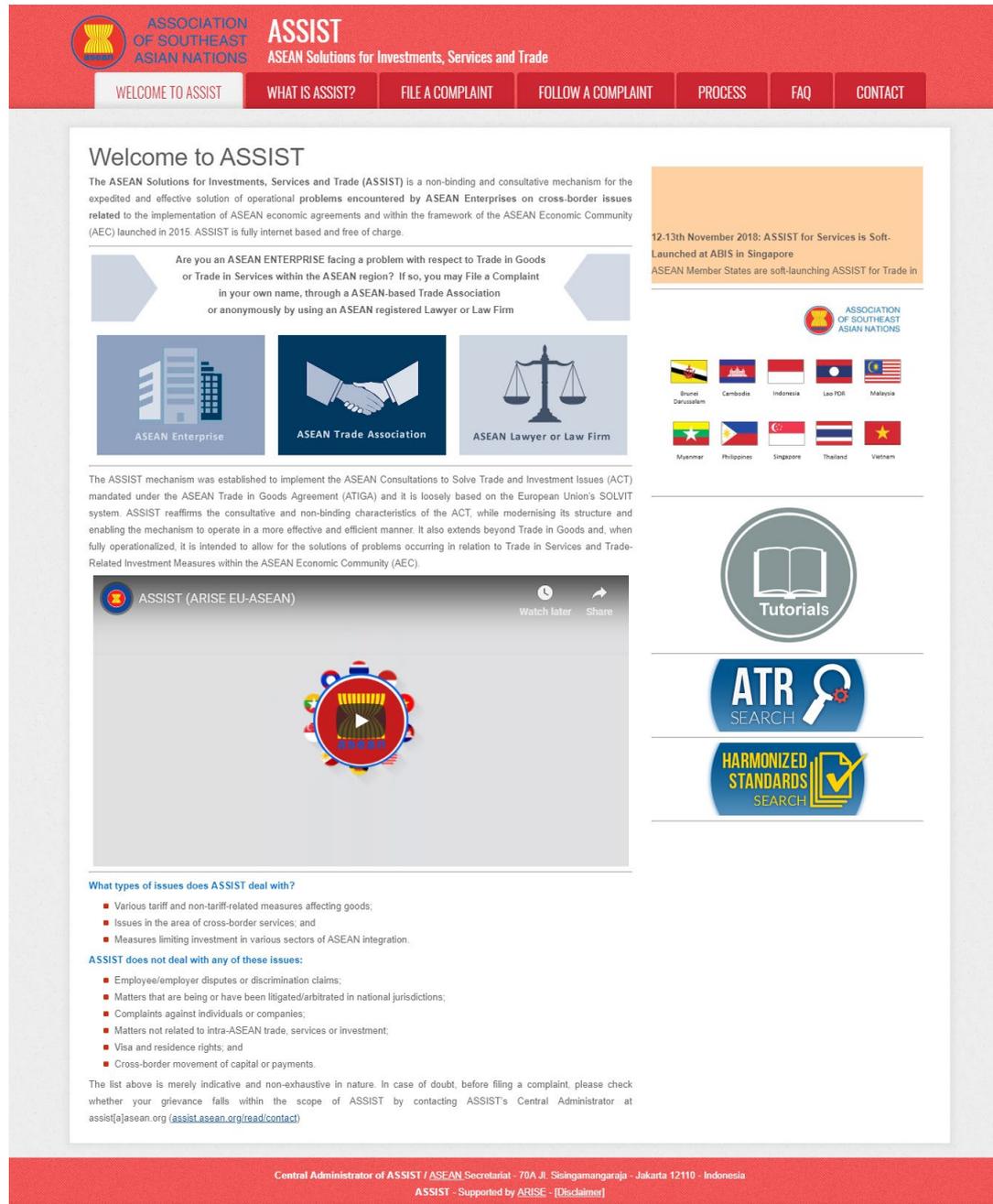
- Complainant = ASEAN Enterprise (AE)
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)

STEP
1

GO TO THE ASSIST WEBSITE ([HTTP://ASSIST.ASEAN.ORG](http://assist.asean.org))

If you feel that your case is a problem on an ASEAN cross-border trade related issue, you are a business registered in an ASEAN Member State, and you would like a free of charge, non-binding, consultative service, and receive an expedited and effective solution, go to the following link: <http://assist.asean.org>.

Below is the homepage of ASSIST.



The screenshot shows the ASSIST homepage with a red header and navigation menu. The main content area includes a 'Welcome to ASSIST' section with a description of the mechanism, a 'File a Complaint' section with three icons (ASEAN Enterprise, ASEAN Trade Association, ASEAN Lawyer or Law Firm), a video player for 'ASSIST (ARISE EU-ASEAN)', and a list of issues ASSIST deals with and does not deal with. On the right, there is a news item about the soft-launching of ASSIST for Services in Singapore, a 'Tutorials' button, and search buttons for 'ATR SEARCH' and 'HARMONIZED STANDARDS SEARCH'. The footer contains contact information for the Central Administrator of ASSIST in Jakarta, Indonesia.

STEP 2

SELECT THE 'FILE A COMPLAINT' TAB (ASEAN ENTERPRISE ICON)

If you are filing a complaint under your own company (non-anonymous complaint) and you are not represented by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm, click on the 'ASEAN Enterprise' icon on the 'File a Complaint' tab.



File a Complaint

Please click on the icon of choice below and fill-in the required form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields. Please note that, if you require anonymity, your complaint may be submitted by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. In this case, the representative entity shall use its business registration number from the ASEAN jurisdiction where it is incorporated.



NON-ANONYMOUS



ANONYMOUS



ANONYMOUS

Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you do not receive any such communication, please verify your email and resubmit the complaint.

The Central Administrator of ASSIST may request that you resubmit your complaint if any of the information is incomplete or incorrect. Once your complaint has been accepted by the Central Administrator of ASSIST, the Destination Contact Point will be asked to respond. If the complaint is accepted by the Destination Contact Point, you will be notified of the response and, ultimately, of the proposed solution (if any). Complaints are usually addressed and a solution proposed within 40 to 60 working days maximum from the date of acceptance of the complaint by the Destination Contact Point.

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. In order to do so, please download the necessary form and submit it to the ASEAN Secretariat as specified on the form itself.

When you click on the 'ASEAN Enterprise' icon, the following page will appear.



Complaint to be Filed by an ASEAN Enterprise



Please fill-in the form below so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields.

Please note that, if you require anonymity, your complaint should be submitted instead by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. Dedicated forms are available under the respective [icons](#).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please also check your spam/junk boxes).

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

* City ZIP Code

* Country

CONTACT PERSON

* Gender Mr Mrs Ms

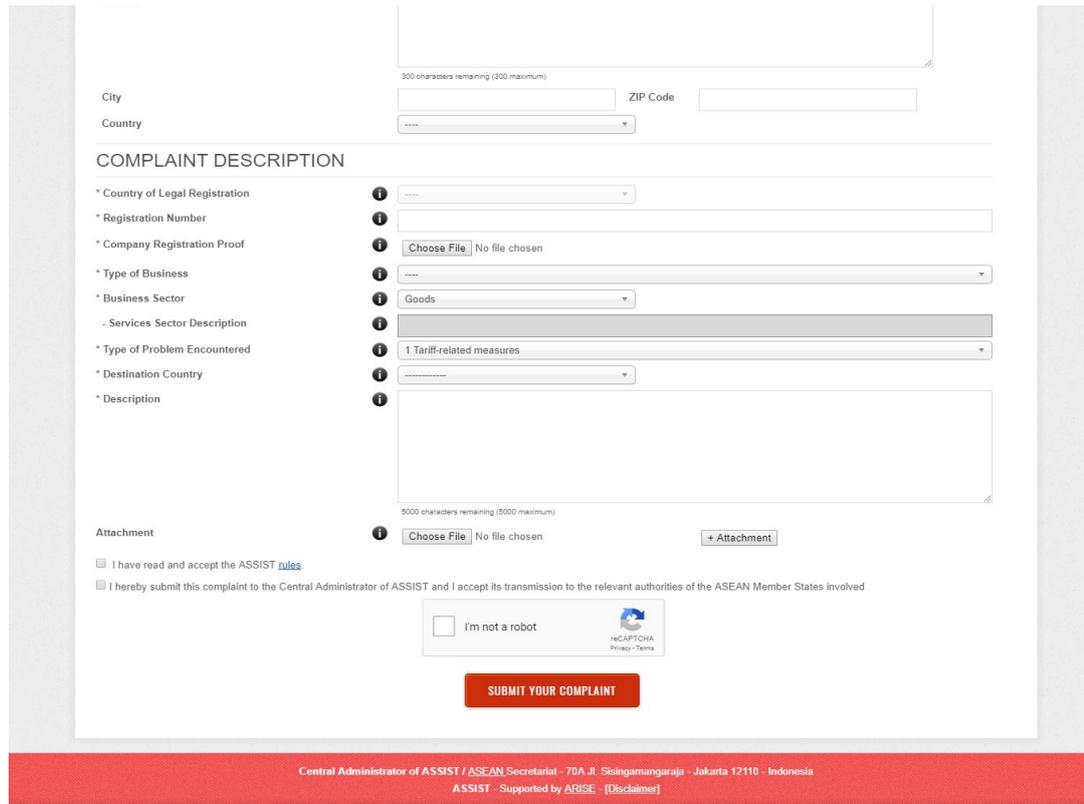
* First Name * Last Name

* Phone

* Position

* Email

Address



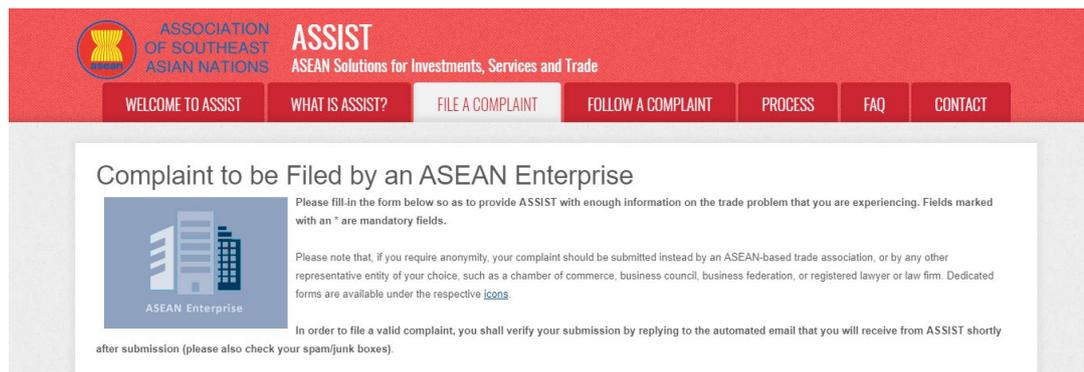
Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the **i** buttons are available for detailed instructions on what to fill-in for each field. Please click on the **i** buttons to make sure that you fill-in the correct information in the form.

It is extremely important that you properly fill-in the 'Description' field. The CA will need to verify that the description given in the complaint is sufficient to clearly identify the problem in the context of the specific subject agreement(s). Thus, please carefully layout your complaint with legal arguments and factual evidence to help the CA in deciding whether to approve your complaint.

STEP 3

FILL-IN THE COMPLAINT FORM

Below is an example of a completed form for this specific case study.



ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

254 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender Mr Mrs Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

254 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof Simulated Comp...ing Group.pdf

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

Attachment No file chosen

I have read and accept the ASSIST [rules](#).

I hereby submit this complaint to the Central Administrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved.




Below is the AE's description of his complaint in this case study:

"I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis.

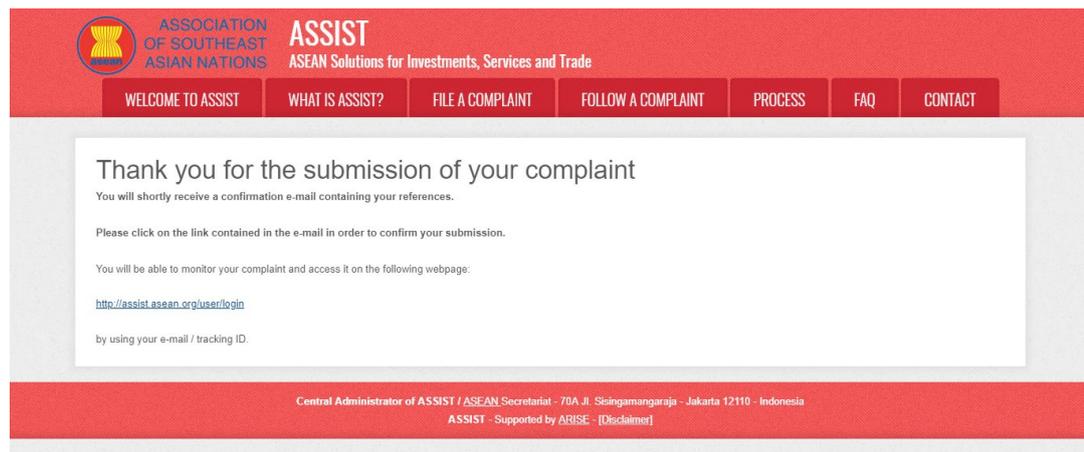
Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job.

Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST."

When the complaint is filed by clicking 'Submit Your Complaint', the following page in Step 4 will appear.

**STEP
4****RECEIVE A NOTIFICATION FROM ASSIST**

Once you file a complaint on the ASSIST website, the below page will appear, informing you that a confirmation email will be sent to the email address which you have provided in your complaint form.



The screenshot shows the ASSIST website header with the logo and navigation menu. The main content area displays a confirmation message: "Thank you for the submission of your complaint. You will shortly receive a confirmation e-mail containing your references. Please click on the link contained in the e-mail in order to confirm your submission. You will be able to monitor your complaint and access it on the following webpage: <http://assist.asean.org/user/login> by using your e-mail / tracking ID." The footer contains contact information for the Central Administrator of ASSIST and mentions support by ARISE.

The above notification indicates that you should click on the link provided in your email account to confirm your complaint with ASSIST.

**STEP
5****CONFIRM YOUR COMPLAINT FROM YOUR EMAIL ACCOUNT**

- (a) Go to the email account that you have provided in the complaint form. You will receive an email from ASSIST requesting you to confirm your complaint by clicking on the link provided or by copy-pasting the link onto the Internet browser. This is also required by ASSIST to confirm that the email address which you have provided is valid. Your complaint number is also provided in this email. In this case, your complaint number is **16920181030**.

Below is the email which you will receive from ASSIST.



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks to confirm your complaint #16920181030 submission

No Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org>

Tue, Oct 30, 2018 at 1:21 PM



ASSOCIATION OF SOUTHEAST ASIAN NATIONS



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Very Upset**,

Thank you for having filed a complaint on **ASSIST**, the system of ASEAN Solutions for Investments, Services and Trade.

Please **confirm** your complaint **16920181030** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.asean.org/user/confirm_email

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **16920181030**

ASEAN Enterprise / Trade Association / Law Firm : Blue Sapphire Consulting Group (type Enterprise)
 Company size : 10 to 50
 Phone : +96131415
 Website : www.bluesapphircg.com
 Address : Red Sparrow Street No. 13 City V Country X
 City : City V / Zip Code : 12130
Country : AMS-X

Contact person : Mr Very Upset
 Phone : +96131415
 Position : Director
Email : aseanenterprise0@gmail.com
 Address : Red Sparrow Street No. 13 City V Country X
 City : City V / Zip Code : 12130
 Country : AMS-X

Confidential case code (for law firm or lawyer only):
Country of Legal Registration : AMS-X
Legal Registration Number : 123456
Type of Business : Service provider
Business Sector : Services / Consultancy
Type of problem encountered : Other Services
Destination Country : AMS-Y

Description:
 I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.

Thanking you, ASSIST is at your service.

assist.asean.org

 Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

(b) Click on the link as requested in the above email and the following page will appear.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS



ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAQ CONTACT

Email/complaint confirmation valid

Thank you for having confirmed your e-mail

Your complaint will now be reviewed by the Central Administrator of ASSIST and you shall be notified within maximum 10 working days of whether it is:

- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

A reason shall be provided to you in writing in case of outcomes 2) or 3) above.

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Singamangaraja - Jakarta 12110 - Indonesia
 ASSIST - Supported by ARISE - [Disclaimer]

The above notification will inform you that your complaint will be reviewed by the CA and that you will be notified by email within maximum 10 working days of whether it is:

- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

Go to your email account.

STEP
6

RECEIVE AN EMAIL FROM ASSIST THAT YOUR EMAIL ADDRESS AND COMPLAINT IS VALID

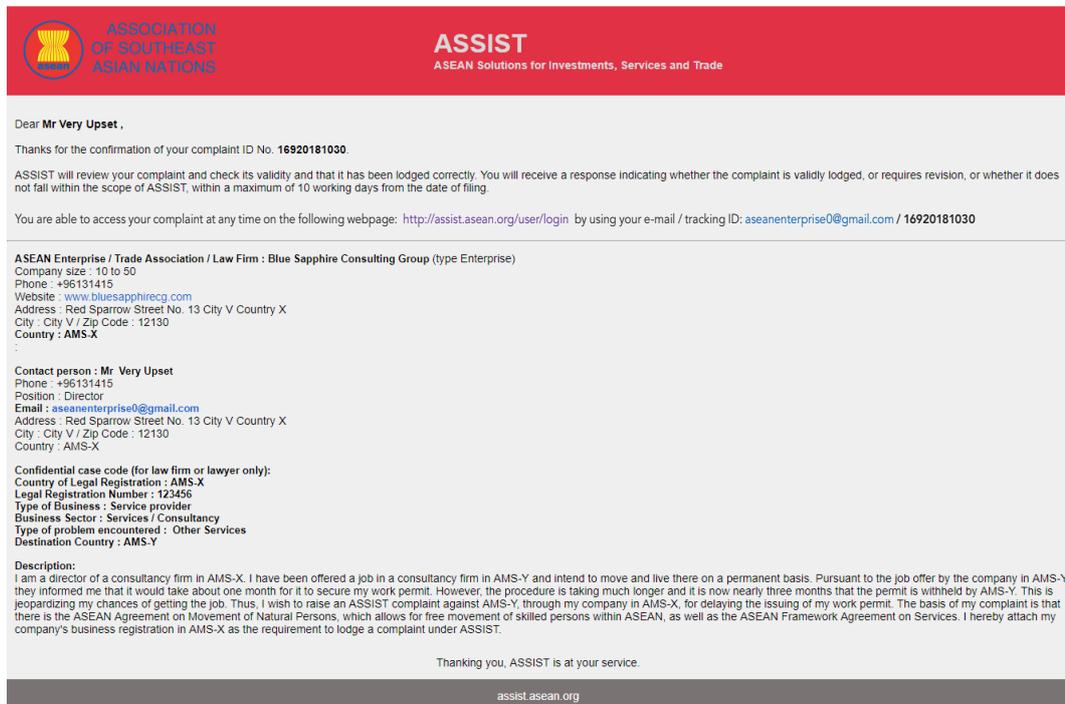
- (a) Go to your email account and you will see a new email from ASSIST. This email indicates that you have confirmed your complaint, that the CA will check its validity, and that it has been filed within ASSIST. ASSIST will revert with a response indicating whether the complaint is accepted, incomplete or rejected within 10 working days.



ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks for your email confirmation for the complaint #16920181030No Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org>

Tue, Oct 30, 2018 at 1:24 PM



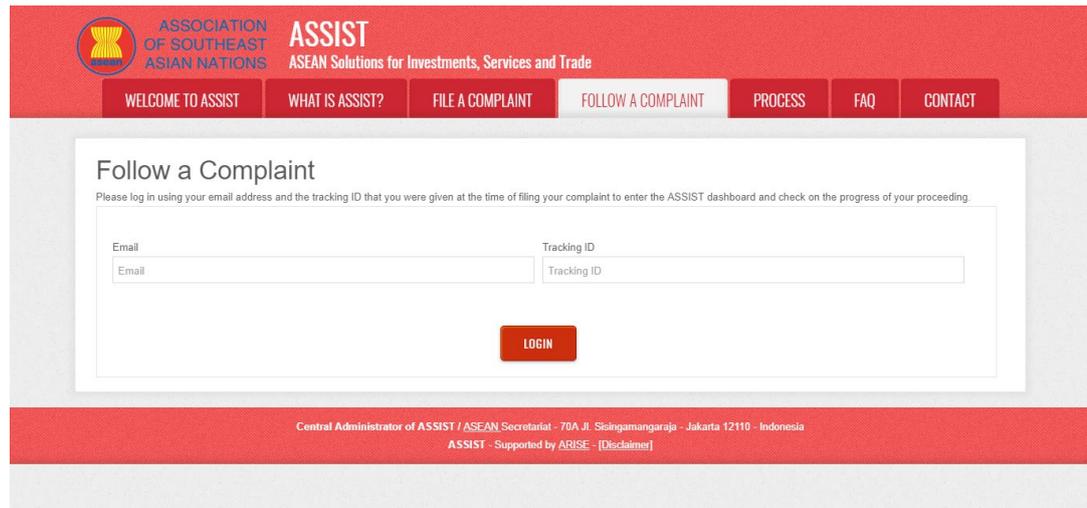
The email content is displayed within a simulated Gmail interface. It features a red header with the ASSIST logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. The main body of the email is white with black text. It begins with a salutation 'Dear Mr Very Upset,' followed by a thank you message for the complaint confirmation. It then provides details about the complaint review process and a link to track the complaint. Below this, it lists contact information for the complainant, including company name, size, phone, website, and address. It also includes a 'Confidential case code' section with details on legal registration, business sector, and problem type. A 'Description' section follows, detailing the complainant's situation as a director of a consultancy firm moving to another country. The email concludes with a thank you and the ASSIST website address.

 Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

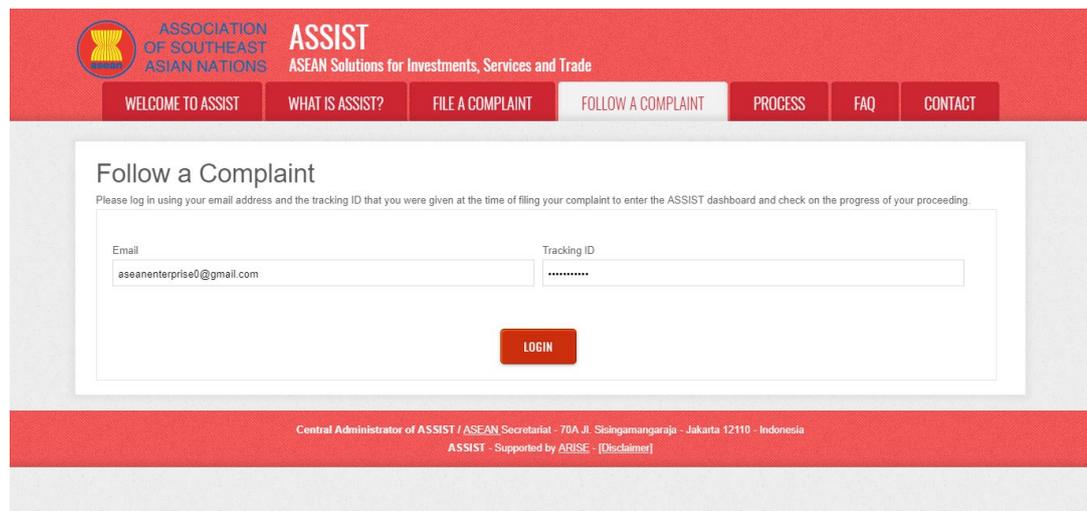
As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website.

**STEP
7****MONITOR THE PROGRESS OF YOUR COMPLAINT**

- (a) Go to the following link: <http://assist.asean.org/user/login> or go to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website. The below page will appear.

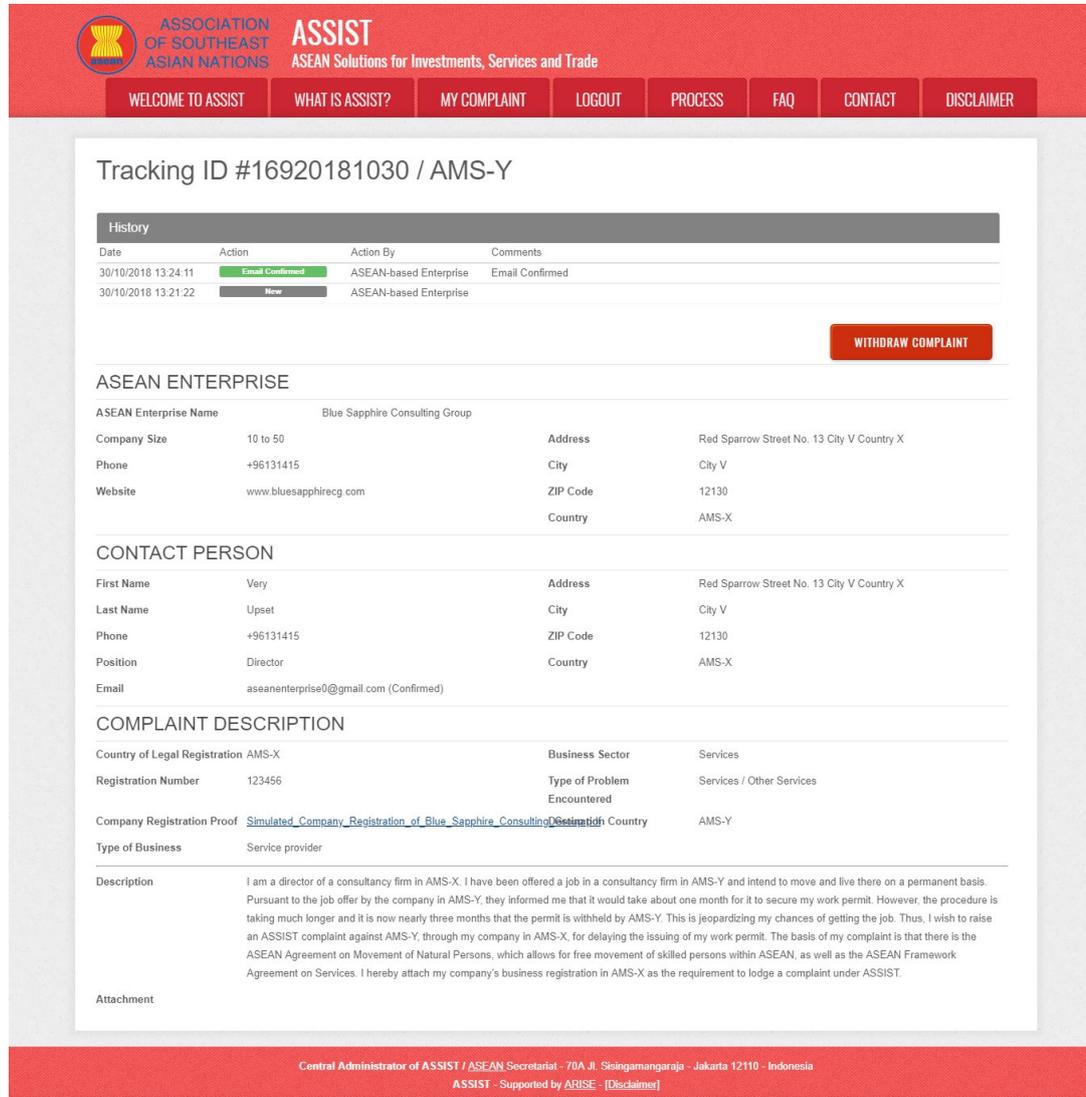


- (b) Enter your email address and tracking ID (your complaint number) in the required fields to login. In this case, the **Email Address** is aseanenterprise0@gmail.com and the **Tracking ID** is **16920181030**.



Once you login, you will see your ASSIST dashboard where you can monitor the progress of your complaint.

(c) View of your ASSIST Dashboard once you have successfully logged-in:



The screenshot displays the ASSIST dashboard for a user who has successfully logged in. The dashboard features a navigation menu with options: WELCOME TO ASSIST, WHAT IS ASSIST?, MY COMPLAINT, LOGOUT, PROCESS, FAQ, CONTACT, and DISCLAIMER. The main content area is titled "Tracking ID #16920181030 / AMS-Y" and includes a "History" table, an "ASEAN ENTERPRISE" section, a "CONTACT PERSON" section, and a "COMPLAINT DESCRIPTION" section.

History

Date	Action	Action By	Comments
30/10/2018 13:24:11	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
30/10/2018 13:21:22	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	Blue Sapphire Consulting Group		
Company Size	10 to 50	Address	Red Sparrow Street No. 13 City V Country X
Phone	+96131415	City	City V
Website	www.bluesapphirecg.com	ZIP Code	12130
		Country	AMS-X

CONTACT PERSON

First Name	Very	Address	Red Sparrow Street No. 13 City V Country X
Last Name	Upset	City	City V
Phone	+96131415	ZIP Code	12130
Position	Director	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Other Services
Company Registration Proof	Simulated Company Registration of Blue Sapphire Consulting Group		Destination Country
Type of Business	Service provider		

Description

I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.

Attachment

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

As you can see in your dashboard, the actions taken for your complaint are clearly indicated in your dashboard and this list will be regularly updated after each action is taken. Your completed complaint form, which you have submitted, is also accessible on your dashboard.

**STEP
8**

CENTRAL ADMINISTRATOR REVIEWS YOUR COMPLAINT AND SENDS A RESPONSE TO YOUR EMAIL (ACCEPT, INCOMPLETE, OR REJECT)

Once the CA has completed reviewing your complaint and decided on whether to accept/incomplete/reject, an email will be sent to you typically within 10 working days since you lodged your complaint.

If no action has been taken in the meantime by the CA, the CA will receive the below automatic reminder via email from the ASSIST online system within 7 calendar days after the complaint is lodged. As indicated above, the CA must decide to accept, declare incomplete and request revision, or reject the complaint within 10 working days.

Email Reminder 1 for the Central Administrator:

 Gmail Central Administrator ASECC <caatasec@gmail.com>

[ASSIST] Complaint #14920181025 reminder for CA

No Reply ASSIST <assist@asean.org> Sat, Oct 27, 2018 at 5:00 AM
 Reply-To: "assist@asean.org" <assist@asean.org>



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

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Action is required by the CA for the complaint:
14920181025

Thanking you, ASSIST is at your service.

assist.asean.org [\[Document\]](#)

Regularly check your email account within the 10 working days after lodging your complaint. You will eventually receive a new email from ASSIST.

 Gmail ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Your complaint #16920181030 has been rejected by CA

No Reply ASSIST <assist@asean.org> Tue, Oct 30, 2018 at 1:33 PM
 Reply-To: "assist@asean.org" <assist@asean.org>



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Very Upset**,

Your complaint **16920181030** has been **rejected** by CA.

"Dear Mr. Upset, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed your complaint. However, this case appears to be an individual's private issue rather than a company issue and is, therefore, not covered by the ASEAN Agreement on Movement of Natural Persons, which states in Article 2.2 that it does not apply to measures affecting natural persons seeking to access to the employment market of another ASEAN Member State, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis. ASSIST is available for complaints triggered by ASEAN Enterprises (i.e., duly registered legal entities, not natural persons) and the artificial use of a legal entity (i.e., the AE), in order to address an issue that refers to interactions between an ASEAN Member State and a natural person, is not sufficient to extend the scope of coverage of ASSIST to it. Thus, the Central Administrator rejects your complaint because it deals with an issue that falls outside of the scope of ASSIST and thus in the case at stake, ASSIST is not an available instrument. We suggest that you interact directly with AMS-Y&E's Ministry of Interior and/or Ministry of Labour."

Please login to your complaint for further details at on <http://assist.asean.org/user/login>
 with your email / tracking ID: aseanenterprise0@gmail.com / **16920181030**

ASEAN Enterprise / Trade Association / Law Firm : Blue Sapphire Consulting Group (type Enterprise)
 Company size : 10 to 50
 Phone : +96131415
 Website : www.bluessapphirec.com
 Address : Red Sparrow Street No. 13 City V Country X
 City : City V / Zip Code : 12130
 Country : AMS-X

Contact person : Mr. Very Upset
 Phone : +96131415
 Position : Director
 Email : aseanenterprise0@gmail.com
 Address : Red Sparrow Street No. 13 City V Country X
 City : City V / Zip Code : 12130
 Country : AMS-X

Confidential case code (for law firm or lawyer only):
 Country of Legal Registration : AMS-X
 Legal Registration Number : 123456
 Type of Business : Service provider
 Business Sector : Services / Consultancy
 Type of problem encountered : Other Services
 Destination Country : AMS-Y

Description:
I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.

Thanking you, ASSIST is at your service.

assist.asean.org [\[Track Complaint\]](#)

In this case, your complaint has been reviewed and **rejected** by the CA. The CA finds that this case appears to be an individual's private issue rather than a company issue and is, therefore, not covered by the ASEAN Agreement on Movement of Natural Persons. ASSIST is available for complaints triggered by ASEAN Enterprises (i.e., duly registered legal entities, not natural persons) and the artificial use of a legal entity (i.e., the AE), in order to address an issue that refers to interactions between an ASEAN Member State and a natural person, is not sufficient to extend the scope of coverage of ASSIST to it.

If you do not receive an email from ASSIST within the required timeframe (10 working days since the complaint is lodged), then this means that the CA has an overdue action. The CA will receive another automatic reminder via email (14 calendar days after the complaint is lodged) that an action is required by the CA for the complaint. The CA will receive the email below:

Email Reminder 2 for the Central Administrator:

 Gmail Central Administrator ASECC <caatasec@gmail.com>

[ASSIST] Complaint #14920181025 reminder for CA

No Reply ASSIST <assist@asean.org> Sat, Oct 27, 2018 at 5:00 AM
 Reply-To: "assist@asean.org" <assist@asean.org>

 ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
 ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
14920181025

Thanking you, ASSIST is at your service.

assist.asean.org [\[Track Complaint\]](#)

**STEP
9**

LOGIN TO YOUR ASSIST DASHBOARD BY USING YOUR EMAIL AND TRACKING ID TO SEE THE ACTUAL RESPONSE FROM THE CENTRAL ADMINISTRATOR

If you wish to see the full response from the CA, you will need to login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above.

The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicated that the CA has **"Rejected"** your complaint.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST | WHAT IS ASSIST? | MY COMPLAINT | LOGOUT | PROCESS | FAQ | CONTACT | DISCLAIMER

Tracking ID #16920181030 / AMS-Y

History			
Date	Action	Action By	Comments
30/10/2018 13:33:22	Rejected	Central Administrator of ASSIST	Dear Mr. Upset, Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed your complaint. However, this case appears to be an individual's private issue rather than a company issue and is, therefore, not covered by the ASEAN Agreement on Movement of Natural Persons. 
30/10/2018 13:24:11	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
30/10/2018 13:21:22	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

ASEAN Enterprise Name		Blue Sapphire Consulting Group	
Company Size	10 to 50	Address	Red Sparrow Street No. 13 City V Country X
Phone	+96131415	City	City V
Website	www.bluesapphirecg.com	ZIP Code	12130
		Country	AMS-X

CONTACT PERSON

First Name	Very	Address	Red Sparrow Street No. 13 City V Country X
Last Name	Upset	City	City V
Phone	+96131415	ZIP Code	12130
Position	Director	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Other Services
Company Registration Proof	Simulated Company Registration of Blue Sapphire Consulting Group		Country
Type of Business	Service provider		

Description

I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST.

Attachment

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer](#)

Click on the magnifying glass icon in the comments column. The full response from the CA will appear, as can be seen below:

Dear Mr. Upset,

Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed your complaint. However, this case appears to be an individual's private issue rather than a company issue and is, therefore, not covered by the ASEAN Agreement on Movement of Natural Persons, which states in Article 2.2 that it does not apply to measures affecting natural persons seeking to access to the employment market of another ASEAN Member State, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis. ASSIST is available for complaints triggered by ASEAN Enterprises (i.e., duly registered legal entities, not natural persons) and the artificial use of a legal entity (i.e., the AE), in order to address an issue that refers to interactions between an ASEAN Member State and a natural person, is not sufficient to extend the scope of coverage of ASSIST to it.

Thus, the Central Administrator rejects your complaint because it deals with an issue that falls outside of the scope of ASSIST and thus in the case at stake, ASSIST is not an available instrument. We suggest that you interact directly with AMS-Y's Ministry of Interior and/or Ministry of Labour.

The rejection appears valid and is sufficiently justified. ASSIST will consider this procedure as one where no complaint was ever lodged.