



## Updated Guidance Document for Industry Hoshine Withhold Release Order March 1, 2022

### Contact Information to Seek Guidance on Admissibility Packages

- To optimize and facilitate processing efficiency for admissibility packages, U.S. Customs and Border Protection (CBP) personnel from the [Centers of Excellence and Expertise \(Centers\)](#) at the ports of entry across the nation answer questions, address compliance concerns, and review petitions.
- The Centers were established to encourage uniform practices across ports of entry, to facilitate the timely resolution of trade compliance issues nationwide, and to serve as a resource to the trade community and government partners.
- Contact information for the Centers, Center Supervisors, and managers is available on [CBP.gov](#). The vast majority of the admissibility petitions for shipments detained under the Hoshine Withhold Release Order (WRO) are being processed by the Electronics Center.
- Stakeholders with questions regarding the Hoshine WRO are encouraged to visit CBP's Frequently Asked Questions (FAQ), which can be found [here](#).
- General inquiries for the Centers can be sent to the organizational mailbox found on CBP.gov [here](#). General inquiries for the Electronics Center can be sent to the organizational mailbox at [cee-electronics@cbp.dhs.gov](mailto:cee-electronics@cbp.dhs.gov). A detailed directory of the Electronics Center staff and their contact information can be found on CBP.gov [here](#).

### Tips for Admissibility Package Submissions

- To demonstrate admissibility, importers must comply with CBP requests for information to show that the importers' goods were not made with forced labor.
- To accomplish this, importers need to provide documentation produced in the ordinary course of business.
- Generally, documentation produced in the ordinary course of business includes full records of transactions and supply chain documentation to demonstrate all parties involved in the manufacture or export of a particular good, and the origin of the materials back to the suspected source of forced labor.
- Specific examples of relevant documentation may include:
  - Certificates of origin as specified in 19 CFR 12.43;
  - Purchase orders, invoices, and proof of payment;
  - Packing lists;
  - Payment records;
  - Bills of lading;
  - Shipping records;
  - Production records;
  - Inventory records supporting production;

- List of production steps and chain of custody records for the imported merchandise;
  - Transportation documents;
  - Daily manufacturing process reports; and
  - Any other relevant information that the importer believes may show that the shipments are not in violation of 19 U.S.C. 1307.
- The exact documents that importers should submit depend on the types of goods and the complexity of their supply chains.
  - Complete submissions should give CBP a roadmap to easily navigate the documents and understand the production and importation story.
  - Document(s) not originally produced in English should be accompanied by translated document(s).
  - Every determination is fact specific. CBP will carefully consider in each instance what information an importer should submit to demonstrate compliance with U.S. law based on the circumstances of the importation.

### Processing Expectations After Initial Supply Chain Verification

- Importers are responsible for conducting due diligence, in alignment with CBP’s informed compliance standards, to ensure they can effectively trace and manage supply chains, and to provide sufficient documentation to comply with customs laws, including 19 U.S.C. 1307.
- Such “due diligence” is consistent with importer obligations under 19 U.S.C. 1484, that importers use “reasonable care” to enter, classify, and determine the value of imported merchandise and to provide any other information necessary to enable CBP to determine admissibility, properly assess duties, collect accurate statistics, and determine whether other applicable legal requirements, if any, have been met.
- Completeness of admissibility petitions and cooperation of the importer is needed to support prompt and efficient review of such petitions.
- The Electronics Center and field audit teams are developing expertise in solar supply chains and are able to quickly understand supply chains that are substantially similar to those previously reviewed by the agency. As Centers gain expertise in particular supply chains, review times for related petitions improve. Importers are encouraged to work collaboratively with CBP to facilitate the efficient entry of lawful importations.
- If the facts surrounding the identified areas of high risk in any importer’s supply chains remain unchanged, the importers’ shipments may continue to be detained regardless of prior shipment entry.
- Successful petitions for admissibility for a particular shipment or import are likely to affect processing of future shipments but do not guarantee outcomes for future shipments.

### Processing Timelines

- Admissibility packages received for Hoshine-related detentions receive prompt attention, and CBP engages directly with importers to resolve issues with packages and answer questions.
- Processing times for admissibility petitions depend on the sufficiency of packages submitted by importers and the complexity of the supply chains at issue. Complete packages with all necessary documentation are currently being reviewed in as little as two to three weeks.
- Importers are highly encouraged to group shipments and containers with goods from the same supply chains, so that they can collectively submit them for review. The reduced

complexity of shipments helps streamline petitions for admissibility and reduce petition review times.

### Advance Ruling

- Importers who are vetting a new supply chain may seek an advance ruling regarding the compliance with law (i.e., 19 U.S.C. 1307) of a “prospective transaction,” meaning a transaction that is not already pending before a CBP official. See 19 CFR Part 177. Such rulings may be applied to subsequent importations that are substantially similar to the specific facts as outlined in the ruling request.
- Advance rulings provide transparent and efficient means of assessing, prior to the importation of a product, how CBP will treat a prospective import. It enables importers and other interested parties to receive binding pre-entry decisions as to compliance with applicable law, to include 19 U.S.C. 1307.
- To obtain an advance ruling, an importer submits a request describing the product and supply chain in detail to the CBP Office of Trade, Regulations and Rulings Directorate, Cargo Security, Carriers and Restricted Merchandise branch for a Headquarters ruling. Information on applying for an advance ruling can be found [here](#).
- The information importers provide for an advance ruling should be similar in scope and detail to the information required for an admissibility package, the differences being procedural and administrative. Advance ruling requests are submitted to CBP’s Office of Trade, Regulations and Rulings Directorate, instead of to the Office of Field Operations Port of Entry.
- Following the issuance of a favorable ruling with respect to a prospective transaction, imports may nevertheless be detained to verify that the products and facts match those submitted in the advance ruling request. An importer can expect expedited processing unless there are material differences between the goods and the facts contemplated in the ruling letter. See 19 CFR 177.9.
- Importers may expect enforcement of the WRO consistent with prior advance rulings for future shipments of products involving substantially identical facts, unless CBP has new information reasonably indicating that merchandise contained in the shipment contains silica-based products made by Hoshine or its subsidiaries, or if the merchandise is otherwise in violation of U.S. laws.