

What is UFLPA?

The Uyghur Forced Labor Prevention Act establishes a rebuttable presumption that any goods produced wholly or in part in China's Xinjiang Uyghur Autonomous Region or by certain entities are prohibited from importation into the U.S. under 19 U.S.C. 1307. It also mandates the preparation of enforcement and diplomatic strategies.

How does Uyghur Forced Labor Prevention Act affect importers?

Beginning June 21, 2022, CBP will apply a rebuttable presumption that goods produced wholly or in part in the region or by entities identified in the enforcement strategy are not allowed to enter into the U.S. An importer may request an exception to the rebuttable presumption from CBP. This will require providing clear and convincing evidence that its imported merchandise was not mined, produced, or manufactured wholly or in part by forced labor.

What is the "rebuttal" process?

Importers must demonstrate to CBP that they have complied with the enforcement strategy's due diligence and evidentiary guidance and responded fully to CBP's requests for information to ascertain whether the goods were made wholly or in part with forced labor. If an importer complies with those requirements and also provides clear and convincing evidence showing forced labor was not used in the production of the goods, CBP will grant the exception.

What can importers do?

- Establish/maintain a due diligence program
- Carefully assess Xinjiang Uyghur Autonomous Region and related supply chain risks
- Mitigate exposure to forced labor risks
- Be prepared to demonstrate compliance with the enforcement strategy's due diligence, supply chain tracing, and supply chain management measures
- Be prepared to respond to CBP inquiries and to demonstrate that goods are not mined, produced, or manufactured wholly or in part with forced labor

Resources

For more information, please see the following:

Uyghur Forced Labor Prevention Act Webpage: <https://www.cbp.gov/trade/forced-labor>, U.S. Customs and Border Protection
Public Law 117-78: <https://www.govinfo.gov/app/details/PLAW-117publ78> Uyghur Forced Labor Prevention Act of 2021
Xinjiang Uyghur Autonomous Region Business Advisories: <https://www.state.gov/xinjiang-supply-chain-business-advisory/>, U.S. Department of State

Forced Labor in Xinjiang



What's in your bag?

Top commodities imported into the U.S. from Xinjiang Uyghur Autonomous Region

The following are three major types of products that are at high risk of being derived from forced labor:



Chemicals



Apparel/Textiles



Agricultural goods