

Operational Guidance For Importers On The Uyghur Forced Labor Prevention Act

Beginning June 21, 2022, [The Uyghur Forced Labor Prevention Act \(UFLPA\)](#) applies a rebuttable presumption that imports tied wholly or partially to the Xinjiang Uyghur Autonomous Region (XUAR) of China, or to [certain entities](#), involve forced labor and are prohibited from entering the United States.

On June 13, 2022, Customs and Border Protection (CBP) released its [Operational Guidance For Importers](#), outlining the UFLPA enforcement process and acceptable documentation to overcome this presumption.

Enforcement Process

CBP will enforce the UFLPA by **detaining, excluding, or seizing** imports subject to the rebuttable presumption. Upon receiving a notice, the importers have the following options:

1. If the importer can prove that the imports are outside of the scope of UFLPA, i.e., has no connection to the Xinjiang region or any entity on the UFLPA Entity List, they will no longer be subject to enforcement and will be released.
2. However, if the imports are within the scope of the UFLPA, the importer needs to **request an exception** to enter the shipments. In these cases, the importer must demonstrate clear and convincing evidence against forced labor.
3. Importers who receive an exclusion notice may file an **administrative protest** to request an exception.
4. Importers who receive a seizure notice may utilize the **petition** process to request an exception in order to mitigate any associated penalties and obtain permission to re-export the goods.
5. Importers will have the right to present an **Immediate Export in-bond** to export detained shipments at any point prior to exclusion or seizure.

Documentation:

Mandatory requirements for those in CTPAT Trade Compliance members beginning August 1st, 2022 -

As of August 1st, 2022, the criteria for forced labor has changed from “should” to “must”. New applicants must meet these requirements. Existing partners have one year to implement these requirements:

- **Risk Based Business Mapping**
- **Evidence of Implementation**
- **Due Diligence and Training**
- **Remediation Plan**
- **Shared Best Practices Amongst Business Partners**
- **CTPAT Security Members must have a social compliance program regarding forced labor by January of 2023**