



Details of UFLPA & Compliance Requirements

The Uyghur Forced Labor Prevention Act (UFLPA) is a U.S. law that creates a very strict presumption that any goods with a nexus to Xinjiang or certain listed entities are made with forced labor and therefore cannot be imported into the U.S. unless the importer can rebut that presumption with “clear and convincing” evidence and extremely robust supply-chain documentation.

Core legal rule and scope

The UFLPA (Public Law 117-78) was signed in December 2021 and took effect on June 21, 2022. It establishes a rebuttable presumption that all goods mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region (XUAR), or by any entity on the UFLPA Entity List, are made with forced labor and are prohibited from importation under Section 307 of the Tariff Act.

The presumption also applies where only upstream inputs (e.g., raw materials, components) originate in XUAR, even if final assembly occurs elsewhere in China or in third countries.

In practice this means any supply chain that even indirectly touches Xinjiang or an Entity-List company is at risk unless the importer can prove otherwise.

High-priority sectors and entity list

DHS, through the Forced Labor Enforcement Task Force (FLETF), designates “high-priority sectors” for UFLPA enforcement and maintains the UFLPA Entity List.

Originally high-priority sectors included apparel, cotton and cotton products, silica-based products (including polysilicon), and tomatoes and downstream products.

Subsequent updates added aluminum, polyvinyl chloride (PVC), and seafood as high-priority sectors, and then further added caustic soda, lithium, steel, jujubes/red dates, and copper, all of which are now subject to heightened scrutiny at the border.

The Entity List itself has expanded significantly; by early 2026 DHS reported 144 listed entities across sectors such as agriculture, batteries, electronics, food additives, non-ferrous metals, plastics, and textiles, whose products are automatically subject to the UFLPA presumption.

How CBP enforces UFLPA at the border

CBP enforces UFLPA primarily through detention, exclusion, and seizure of shipments at the time of import.

When CBP suspects that goods are linked to Xinjiang or a UFLPA Entity-List company, it detains the



shipment under its general detention authority (19 C.F.R. § 151.16), not via the older withhold-release-order (WRO) process

The detention period under UFLPA is generally 30 days, after which CBP must decide whether to release, exclude, or seize the merchandise; if no determination is made within 30 days, the goods are deemed excluded and the importer must pursue protest procedures.

Importers then have up to 180 days after exclusion to file a protest, and if CBP does not act on the protest within 30 days it is deemed denied.

Typical enforcement timeline and importer options

Stage	CBP action	Importer options	Key timing
Initial review	Flags shipment as potentially within UFLPA scope	Provide basic entry docs, answer CBP questions	On or shortly after arrival
Detention	Shipment formally detained under 19 C.F.R. § 151.16	Submit evidence that goods are outside UFLPA scope or seek an “exception”	Within 30 days of detention
Determination	CBP releases, excludes, or seizes	If excluded or seized, may protest	CBP decision within 30 days; otherwise deemed excluded
Protest	CBP reviews protest	Provide additional legal/ factual arguments	Protest generally due within 180 days of determination

What “Compliance” means under UFLPA

UFLPA fundamentally shifts the burden onto **importers**: you must affirmatively verify and be able to prove that there is no forced labor (and often no Xinjiang nexus) anywhere in your supply chain. CBP’s guidance and the DHS UFLPA Strategy emphasize three pillars: rigorous human-rights due diligence, end-to-end supply-chain traceability, and strong supply-chain management and recordkeeping.

Compliance also means continuous screening and monitoring for changes in the UFLPA Entity List and high-priority sectors, as goods linked to listed entities are automatically presumed inadmissible. Businesses must be prepared to prove compliance on demand; CBP and FLETF actively screen imports and expect importers to demonstrate they have a robust forced-labor risk-management program, not just paper policies.



Standard of proof: “clear and convincing” evidence

To rebut the UFLPA presumption, importers must provide “clear and convincing evidence” that goods were not produced with forced labor and either fall outside UFLPA scope or qualify for an exception. This is a high evidentiary bar that requires detailed, corroborated documentation tracing materials from origin through each production stage, often including worker-level data and on-the-ground verification.

There is no single certification or audit scheme that CBP automatically accepts; third-party audits can help, but CBP insists on underlying supply-chain records rather than relying solely on certificates. In practice, importers who cannot fully map and document their supply chains down to raw-material sources are unlikely to meet the standard if challenged.

Types of documentation CBP expects

CBP’s Operational Guidance and the DHS Strategy outline the categories of documents that may be required when a shipment is detained and the importer seeks either to show the goods are outside scope or to obtain an exception.

Broadly, CBP looks for three sets of evidence: shipment-specific documents, supply-chain traceability records, and evidence about labor practices at each entity in the chain.

Examples (not exhaustive) include:

- Shipment/merchandise-specific evidence: purchase orders, invoices, packing lists, bills of lading, bills of materials, certificates of origin, payment records, and production records that link specific batches back to particular suppliers and facilities.
- Supply-chain traceability evidence: supply-chain maps, supplier lists for every tier, contracts, records showing movement of materials from mines/fields through processors and manufacturers, and documentation reconciling input volumes with outputs (to detect undisclosed upstream sources).
- Labor-conditions evidence: lists of all workers at facilities implicated in UFLPA scope, hiring and payroll records, evidence that workers were not recruited through government “labor transfer” schemes, and proof that there are no indicators of forced labor (e.g., retention of identity documents, excessive overtime, coercive recruitment).

For high-risk products like tomatoes, cotton, and polysilicon, CBP has indicated that it expects full “seed-to-shelf” or “mine-to-module” documentation, including affidavits, supplier declarations, production process records, and site-visit reports.



Importers generally must submit all such evidence to the port of entry within the detention window if they want CBP to consider releasing the shipment.

Program-level compliance expectations for importers

UFLPA compliance is not only about responding to detentions; CBP and DHS expect companies to build a proactive, risk-based compliance program addressing forced-labor risks in China.

Guidance from CBP, DHS and multiple law-firm analyses converges around several core program elements.

Key elements you would typically implement:

- Governance and policy
 - Adopt a formal forced-labor and UFLPA policy approved at the board or senior-management level, explicitly covering Xinjiang and the UFLPA Entity List.^{[9][14]}
 - Assign clear responsibility (e.g., trade compliance plus ESG/human-rights) and integrate UFLPA into your overall compliance management system and supplier code of conduct.^{[8][9]}
- Risk assessment and scoping
 - Map where your business touches China and high-priority sectors (cotton/textiles, polysilicon/solar, tomatoes/food, aluminum, PVC, seafood, steel, copper, lithium, caustic soda, red dates) and classify products/suppliers by UFLPA risk.
 - Focus enhanced due diligence on high-risk SKUs and supply chains, particularly those routed through third countries for further processing.
- Supply-chain mapping and traceability
 - Systematically identify all tiers of suppliers (T1 to raw-material level) for UFLPA-exposed products and maintain up-to-date supply-chain maps.
 - Implement traceability tools and require suppliers to provide detailed bills of materials and origin information for all inputs, with documentary back-up.
- Supplier due diligence and controls
 - Screen all relevant suppliers against the UFLPA Entity List and related sanctions/denied-party lists on an ongoing basis.



- Use questionnaires, representations/warranties in contracts, audit rights, and (where feasible) independent social audits or site visits to test suppliers' forced-labor controls, with particular scrutiny of any Xinjiang links or state-sponsored labor-transfer programs.
- Documentation and recordkeeping
 - Build a document architecture that can quickly assemble the “clear and convincing” evidentiary package CBP requires, including shipment-level traceability and worker-level records for high-risk facilities.
 - Maintain records in an organized, retrievable format for at least the period CBP and other agencies may review (often several years).
- Response playbook for detentions
 - Prepare a written response plan describing how to react to a UFLPA detention (internal escalation, outside counsel, what documents to pull, who interfaces with CBP).
 - Pre-test your ability to produce complete traceability documentation within the 30-day detention window for your highest-risk products.

Legal and business consequences of non-compliance

If an importer cannot rebut the UFLPA presumption, CBP will exclude or seize the goods, which may then be forfeited, destroyed, or re-exported, with the importer bearing the financial loss.

In addition, UFLPA-related violations can expose companies to civil penalties, potential sanctions exposure, and—in egregious or knowing cases—possible criminal liability for maintaining relationships with suppliers using forced labor.

Beyond regulatory risk, there are substantial reputational consequences; UFLPA detentions are closely watched by investors, NGOs, and customers and have already affected billions of dollars in trade since 2022.

As a result, many companies are using UFLPA as a catalyst to overhaul broader human-rights due diligence and supply-chain transparency programs, not only for U.S. imports but globally.