

Appendix D – UFLPA Attachment to the Notice of Detention

CUSTOMS AND BORDER
PROTECTION
UFLPA Attachment to the Notice of Detention

Detention Number: _____ **Entry Number:** _____
Date of Detention: _____ **Line Number:** _____
Port Code: _____ **Broker/Importer:** _____
Port Name: _____
Description of Merchandise: _____

Reason for Detention:

This merchandise is subject to the Uyghur Forced Labor Prevention Act (UFLPA or the Act), (Pub. L. 117-78), (22 U.S.C. § 6901), and Section 307 of the Tariff Act of 1930, 19 U.S.C. § 1307, and is detained in accordance with 19 U.S.C §1499(c). The UFLPA creates a presumption that imports of all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region (Xinjiang) of the People’s Republic of China (PRC), or by entities identified by the U.S. government on a UFLPA entities list, are prohibited from entry into the United States. Importers may request an exception to the presumption or assert a claim that the goods are not within the purview of the UFLPA, by providing to CBP, within 30 days from the date of this notice, a written response to the detention. A request for an exception to the presumption must contain the information required by Section 3(b) of the UFLPA. Failure to rebut the UFLPA presumption may result in exclusion or seizure of the entry.

Importers must consult the Strategy to Prevent the Importation of Goods Mined, Produced, or Manufactured with Forced Labor in the People’s Republic of China (UFLPA Strategy), published by the Department of Homeland Security (DHS), in its role as the chair of the Forced Labor Enforcement Task Force (FLETf), on June 21, 2022, for compliance with specific importer guidance as required by the UFLPA.

Importer’s may seek approval from the CBP Port of Entry to export the merchandise at any time during the detention process.

Guidance concerning rebuttal:

To overcome the presumption, importers must (1) fully comply with the due diligence, effective supply chain tracing, and supply chain management measures contained in the UFLPA Strategy; (2) completely and substantively respond to all CBP requests to ascertain whether the goods were mined, produced or manufactured wholly or in part with forced labor; and (3) demonstrate by clear and convincing evidence that the good, ware, article, or merchandise was not mined, produced, or manufactured wholly or in part by forced labor. These requirements extend throughout the entire supply chain, to include goods that may be shipped to third countries for further processing.

Alternatively, if an importer believes that its importation is outside the scope of the UFLPA, an importer may provide information to CBP to that effect, *i.e.*, information that the imported goods and their inputs are sourced completely from outside Xinjiang and have no connection to entities on the UFLPA Entity List. An importer must provide documentation that substantiates the absence of inputs subject to UFLPA from its supply chain. (Refer to Section IV of the CBP operational guidance document for a non-exhaustive list of documents that CBP may request from importers.)

Additional Information/Action Requested of Importer:

For goods produced wholly or in part in the Xinjiang or by entities on the List of Entities, to rebut the presumption the importer must submit documentation to the port of entry demonstrating compliance with the due diligence, supply chain tracing, and supply chain management measures guidance provided in the UFLPA Strategy and completely and substantively respond to all CBP requests to ascertain whether the goods were mined, produced or manufactured wholly or in part with forced labor. If CBP determines that these conditions are met, and clear and convincing evidence demonstrates the goods were not produced, wholly or in part, with forced labor, the Commissioner or delegated official will grant an exception to the presumption.

The importer must provide sufficient documentation to trace the entire supply chain from the raw materials to the processing of downstream products to the merchandise imported into the United States. Identify all parties involved and provide a list of suppliers with names and addresses, a flow chart of the production process, and maps of the country and/or region where each part of the product originated. The importer must also provide sufficient document to demonstrate that the goods were not mined, produced or manufactured wholly or in part with forced labor. Specific examples of relevant documentation may include:

- Certificates of origin
- 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

The above is not an exhaustive list and submission of the identified production and supply chain information does not guarantee release as CBP continues to investigate and identify circumstances of forced labor and connected entities which could result in the exclusion or seizure of the merchandise. Importers should consult the UFLPA Strategy and CBP's importer guidance.

Additional guidance for UFLPA and forced labor can be found on the CBP website.

Requested by (Date):

Supporting documentation should be submitted in English, with original copies attached to translated versions when applicable, and provided within 30 days from the date in which the cargo was presented for Customs exam. It is preferred that all supporting documents are sent to CBP in a single submission, but the importer may choose to notify CBP at the time of submission if additional supporting documents are forthcoming.

Name of Detaining Officer: _____

CBP Point of Contact and Phone Number: _____

Date of Conditional Release & Location of Good: _____

Additional Remarks: _____

Entries may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/broker requests a longer detention period through the Area/Port Director.