

Forced Labor Trade Enforcement

U.S. Customs and Border Protection (CBP) has prioritized laws aimed at preventing the importation of goods made, wholly or in part, with forced labor.

About

These laws include the U.S. forced labor import ban and the Uyghur Forced Labor Prevention Act (UFLPA). The UFLPA presumes that any product made with components or materials even partially sourced from the Xinjiang region of China has been made with forced labor, and therefore can't be imported into the U.S. unless a company can prove otherwise.

Kelley Drye's forced labor team has over 20 years of experience advising clients how to meet the challenges of extended responsibility regarding forced and child labor in supply chains. Our work dates back to negotiation of the Harkin-Engel Protocol – the 2001 international agreement aimed at ending the worst forms of child labor and forced labor in the production of cocoa – which represented the first attempt to address child labor and forced labor issues across an entire sector. Since then we have helped clients in multiple industries assess their supply chains and take action to address forced labor risks, including by developing a market-leading due diligence service offering tailored to UFLPA risk.

For companies importing goods to the U.S., forced labor has become a priority issue and an area of substantial risk, including government enforcement actions and reputational damage. Non-U.S. companies involved in supply chains that are linked to possible forced labor may lose the ability to sell and export goods to the U.S. market. Importing companies that are unable to present adequate proof of compliant supply chains are at risk of severe business disruptions, and could face civil and criminal penalties. Assessing supply chains for forced labor risks is a difficult task for many companies, but we are here to help.

Kelley Drye is a member of the [Business & Human Rights Lawyer's Association](#) (BHRLA). BHRLA provides leadership and supports engagement by commercial lawyers with business and human rights as a cross-cutting area of commercial legal practice.

How We Help

Conduct supply chain mapping and due diligence, including Mandarin-language open source intelligence (OSINT)

Prepare traceability packages needed to clear shipments from UFLPA detention

Assist clients in navigating detentions pursuant to withhold release orders (WROs) and findings under Section 307

Advise on policy developments and enforcement trends

Advocate before the Executive Branch, in Congress and the Courts

Related Services

International Trade
Customs
Trade Policy
Trade Remedies (AD/CVD/Safeguards)
Fashion and Retail

Contacts

[Joshua Kagan](#)
jkagan@kelleydrye.com

[Paul C. Rosenthal](#)
prosenthal@kelleydrye.com