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Customs Attorney Expects CBP to Issue WROs in Addition to Enforcing UFLPA

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Though CBP's issuance of withhold release orders and forced labor findings has slowed recently as the agency focuses on implementation of the Uyghur Forced Labor Prevention Act, the agency will continue to use its traditional tools to combat forced labor, aided by recent increases in funding for forced labor enforcement, Jessica Rifkin, a customs lawyer with Benjamin England & Associates, said during a webinar Feb. 28.

"[CBP's] pace has not been as quick as it was prior to the UFLPA being adopted, but it certainly is still continuing and we expect it to continue. They've been stepping up. They've gotten a tremendous bump in the funds that are appropriated to them. They certainly have the capability, we believe, to continue to do enforcement in that area," Rifkin said. The recent division of forced labor investigations at agency headquarters between "east and west" shows "they expect to do enforcement not just, for example, in Asia, where that's been quite a focus, but in other parts of the world as well."

As importers assess risk to their supply chains from forced labor, they shouldn't accept statements from suppliers that address potential concerns as "normal industry practice," said Jennifer Jahnke, associate director-North America at Impactt, who also spoke during the webinar. "A number of times when we've spoken to suppliers, they've said, 'why were we targeted? Because everybody else in this area is doing the exact same thing. This is just how it's done.' And yet here they find themselves in this, in a regulatory situation where they may be the subject of a WRO or they may be at risk of one," Jahnke said.

Jahnke also added that importers should look closely at the use of migrant workers, saying that they are "at very high risk regardless of the geography of being pulled into a situation of forced labor and it is something that needs specialized attention."

"[Migrant workers] may take out debt or some family land or property in order to fund [transportation], and if they did that, under deceptive recruitment practices, then you add that on [as] a potential indicator of forced labor to that situation," Jahnke said. "That tends to be a basket of risks and indicators that I'm looking for when you have a situation where migrant workers have been brought to a worksite."

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