

## U.S. DEPARTMENT OF HOMELAND SECURITY



# FACT SHEET: CRIMINAL AUTHORITIES FOR ENFORCING AGAINST FORCED LABOR IN CHINA

July 2021

The U.S. Department of Homeland Security (DHS) strongly cautions that any individual or entity with a presence in the United States that is engaged in any business in China, including but not limited to procuring goods from China, *must* comply with U.S. laws.

This includes the federal crime of forced labor in Title 18, Section 1589 of the U.S. Code and the associated jurisdiction conferred in Title 18, Section 1596. Violators may be fined or imprisoned up to 20 years. In the event of certain aggravating factors, violators may be sentenced to life in prison.

U.S. courts are required to order restitution for victims of forced labor, pursuant to Title 18, Section 1593. DHS is ready to assist victims who identify themselves to DHS and want to understand their rights and the possible benefits of supporting a criminal investigation.

## PURSUING JUSTICE FOR VICTIMS IN CHINA

Forced labor is one of the many serious human rights abuses that the People's Republic of China is committing against Uyghurs, who are predominantly Muslim, and members of other ethnic and religious minority groups, primarily in China's Xinjiang Uyghur Autonomous Region.

DHS is committed to holding accountable those individuals and entities engaged in genocide, crimes against humanity, and other serious human rights abuses globally, as well as anyone benefiting from such abuses.

The DHS Center for Countering Human Trafficking is led by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), which investigates individuals and entities that may have committed the federal crime of forced labor or violated other laws through activities in the Xinjiang Uyghur Autonomous Region and elsewhere.



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## FORCED LABOR IS A FEDERAL CRIME

DHS is aware of recent reports of companies with a presence in the United States that have committed to purchasing goods made in Xinjiang Uyghur Autonomous Region or will benefit from ventures in the Region, regardless of the risk or actual presence of forced labor in these supply chains or ventures.

For example, U.S. Customs and Border Protection (CBP) has found that information reasonably indicates that cotton and tomato products made wholly or in part in Xinjiang Uyghur Autonomous Region, as well as silica-based products from Hoshine Silicon Industry Co. Ltd. and its subsidiaries, are made with forced labor. CBP has accordingly issued Withhold Release Orders on these products, ensuring that shipments containing such products are detained at ports of entry and do not enter U.S. markets.

It is a federal crime to knowingly provide or obtain labor or services through any of the prohibited means outlined in Section 1589(a) of Title 18. In other words, if a factory manager in Xinjiang, China knowingly obtains the labor or services of a Uyghur worker through force, coercion, or other prohibited means, and the factory manager is a U.S. national, U.S. lawful permanent resident, or, irrespective of nationality, subsequently present in the United States, that individual could face prosecution in U.S. Court.

It is also a federal crime, per Title 18, Section 1589(b) and 1593A, for an individual or entity to knowingly benefit, financially or otherwise, from participation in a venture that has engaged in forced labor, while knowing or in reckless disregard of the fact that the venture has engaged in forced labor. For example, if a U.S. company or a foreign company with U.S. operations participates in a venture in China that engages in forced labor, and also knows of or recklessly disregards the venture's participation in forced labor, that company could face prosecution in U.S. Court.

**The federal crime of forced labor does not require that a defendant have imported into the United States any goods produced wholly or in part with forced labor.**

**Ignorance of the law is not a defense in U.S. courts.**

Other federal criminal laws may also be utilized to prosecute unlawful labor practices and disrupt forced labor in China, such as Title 18, Sections 1761-62 (transportation or importation and marking of packages of goods manufactured with prison labor); Section 542 (entry of goods by means of false statements); Section 545 (smuggling goods into the United States); or 1956-57 (money laundering).

## DHS SEEKS WITNESSES:

If you are a victim of forced labor or other serious human rights abuses, please contact the Homeland Security Investigations Tip Line by calling 1-866-347-2423 or providing information, including documents if available, through the web portal at [www.ice.gov/tips](http://www.ice.gov/tips) and selecting "Human Trafficking (Forced Labor/Slavery)" as the relevant violation.

A crime victim's identifying information is protected from disclosure. HSI has Victim Assistance Specialists who can inform crime victims of their rights and ability to receive benefits and services.

If you are a whistleblower or have knowledge of forced labor or other illicit activity, please contact the Homeland Security Investigations Tip Line by calling 1-866-347-2423 or providing information, including documents if available, through the web portal at [www.ice.gov/tips](http://www.ice.gov/tips) and selecting "Human Trafficking (Forced Labor/Slavery)" as the relevant violation.

Informants may remain confidential and may be entitled to compensation, such as a Moiety award.

