



U.S. Citizenship and Immigration Services

New Validation Tool Aids Adjudication of Certain Employment-Based Petitions Questions and Answers

Questions and Answers

USCIS's VIBE Aims to Enhance Accuracy, Efficiency and Fraud Detection

Introduction

The Web-based Validation Instrument for Business Enterprises (VIBE) is a tool designed to enhance USCIS's adjudications of certain employment-based immigration petitions.

VIBE uses commercially available data from an independent information provider (IIP) to validate basic information about companies or organizations petitioning to employ certain alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B).

Questions and Answers about VIBE

Q1. What is VIBE?

A1. VIBE is a Web-based tool that uses commercially available data to validate basic information about companies or organizations petitioning to employ certain alien workers. A main goal of VIBE is to equip adjudicators with information from an independent source that they can use to help determine petitioners' eligibility.

Q2. Which petitions are included in VIBE?

A2. VIBE includes most employment-based petitions filed by companies and organizations, including:

- Form I-129, Petition for a Nonimmigrant Worker.*
- Form I-140, Immigration Petition for Alien Worker.*
- Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant.*

See www.uscis.gov/vibe for a complete list of immigrant and nonimmigrant classifications included in VIBE.

At this time, VIBE is not used for the following employment-based petition classifications due to their unique eligibility requirements:

- *CW-1, Commonwealth of the Northern Mariana Islands (CNMI)-only transitional worker*
- *E-2C, long-term foreign investors in the CNMI*
- *E11, individuals of extraordinary ability*
- *E21, national interest waiver*
- *EB-5, immigrant investor*
- *O, individuals with extraordinary ability or achievement (including essential support personnel)*
- *P, internationally recognized athletes and entertainment groups, performers under a reciprocal exchange program, and artists or entertainers under a culturally unique program (including essential support personnel)*

Q3. What information does VIBE provide to immigration services officers (ISOs)?

A3. VIBE provides ISOs with information on the petitioning company's or organization's business operations, including information related to:

- *Business activities, such as type of business (North American Industry Classification System code), trade payment information, and status (active or inactive).*
- *Financial standing, including sales volume and credit standing.*
- *Number of employees, both on-site and globally.*
- *Relationships with other entities, including foreign affiliates.*
- *Type of office. (Examples include single entities, branches, subsidiaries and headquarters.)*
- *Type of legal entity. (For example, LLC, partnership or corporation.)*
- *Company executives.*
- *Date of establishment as a business entity.*
- *Current physical address.*

Q4. Will a final decision be based solely on information obtained through VIBE?

A4. No. VIBE is an additional tool for ISOs to use in the overall adjudicative process. USCIS will not deny a petition based upon information from VIBE without first giving the petitioner an opportunity to respond to USCIS's concerns.

USCIS will issue a Request for Evidence (RFE) or a Notice of Intent to Deny (NOID) if derogatory or contradictory information is found in VIBE that is material to the benefit requested and is not outweighed by evidence submitted with the petition. The ISO will make a final decision based on the totality of the circumstances.

Q5. How will a petitioning organization know if it received an RFE or NOID due to a VIBE-related issue?

A5. The RFE or NOID will clearly state that the petitioner has been checked in VIBE, and will describe the relevant derogatory or contradictory information found.

Q6. If a petitioner receives an RFE or NOID for a VIBE-related issue, is the petitioner required to update its record with D&B?

A6. No, although the petitioner may choose to contact D&B to update the record to prevent any subsequently filed petitions from receiving a similar RFE or NOID for the VIBE-related issue in question.

However, the petitioner must respond to USCIS with the information requested in the RFE or NOID regardless of whether the petitioner chooses to update its record with D&B.

Q7. Must a petitioner respond to USCIS if it updates its record with D&B after receiving an RFE or NOID?

A7. Yes. A petitioner must respond to USCIS with the requested additional information after receiving an RFE or a NOID. Updating the petitioner's record with D&B is not a substitute for responding to USCIS's RFE or NOID. Failure to respond to the RFE or NOID directly to USCIS could result in denial of the petition.

Q8. Are there any additional USCIS fees for filing a petition subject to VIBE?

A8. No. There are no additional fees associated with VIBE. Petitioners must still comply with all other fee requirements for the requested classification. Visit <http://www.uscis.gov/fees> for information about current fees.

Q9. Does VIBE require any additional documentary filing requirements?

A9. No. VIBE does not require the petitioner to file additional documentation. However, it is critical that a petitioner accurately provide its name and address on the USCIS form. This helps USCIS match information from the petition with information received through VIBE. Listing an attorney's or representative's address in the form's Petitioner Information section may result in the issuance of an RFE.

Q10. When filing a Form I-140 petition for a classification included in VIBE, does a petitioner still need to submit evidence of ability to pay?

A10. Yes. The petitioner must continue to submit evidence with an I-140 petition to demonstrate the organization's ability to pay the proffered wage from the time the priority date was established until the beneficiary obtains permanent residence.

Although VIBE will assist ISOs by independently validating a petitioner's business operations, the information provided to USCIS through VIBE is not a substitute for the required evidence of ability to pay specified in the regulations.

Q11. How will using VIBE affect processing times for employment-based petitions?

A11. The use of VIBE will not change USCIS's overall processing-time goals as long as no relevant derogatory or contradictory information is found. If derogatory or contradictory information is found, the petitioning organization may experience prolonged processing due to the time required to complete the RFE, NOID or administrative inquiry. On the other hand, the use of VIBE may allow USCIS to resolve inconsistencies in the record, potentially reducing the need to issue RFEs.

USCIS's goal for VIBE is to gradually reduce processing times for most employment-based petitions.

Questions and answers about the independent information provider for VIBE, Dun and Bradstreet (D&B)

Q12. How can I view the information in my company's or organization's D&B report?

A12. As of December 2011, a U.S.-based privately held company or organization may view,

at no cost, the basic elements contained in its D&B report by using D&B's new [Update for US government customers](#).

Contacting D&B from this link will allow U.S.-based privately held USCIS petitioners and other U.S. government customers to create, update and view their company's or organization's D&B record without being subjected to direct marketing from D&B.

When using this process for government customers, D&B must verify the user's personal identity and affiliation with the selected company or organization. [Update for U.S. government customers](#) users will be asked a series of short challenge questions, based on geographical and demographic data, to authenticate and establish an ID and password. Only those with access to your established ID and password will be able to access your business' or organization's information.

For additional information of how D&B collects, manages, shares and protects information, please review its privacy policy at http://www.dnb.com/US/home/privacy_policy/index.html.

To maintain accuracy of significant business information, D&B requires certain change requests to be verified by a third party prior to entry into the D&B system. If verification cannot be confirmed, the change request will be denied. This policy exists to protect companies and organizations from possible identity theft and fraud.

D&B's [Update for U.S. government customers](#) is not available to U.S.-based publicly traded companies, government entities or foreign companies. Such entities wishing to create, update or view their report with D&B may use www.dnb.com. Organizations accessing www.dnb.com may be subjected to direct marketing from D&B.

Q13. Is there a fee for viewing or updating my company's or organization's information or D&B report?

A13. No. There is no fee for a company or organization to create a record with D&B, view the basic elements in the D&B report or update its information with D&B. USCIS does not require a petitioner to purchase products or services from D&B in order to ensure its information is accurate, nor does USCIS require the petitioner to pay any fee to expedite the creation of a new record or for the updating of an existing record with D&B. Moreover, the use of D&B as an IIP for VIBE is not in any way an endorsement of D&B or its services.

Q14. When I requested my report from D&B, I found that D&B does not yet have any information about my company or organization. What should I do?

A14. USCIS does not require petitioners' information to be available through D&B when they file with USCIS.

D&B has developed a 9-digit identification sequence, known as the D U N S® Number, that provides a unique identifier of single business entities while linking corporate family structures together. You may request a D U N S® Number from D&B if you find that the firm does not yet have any information about your company or organization. However, USCIS does not require petitioners to have a D U N S® Number or include a D U N S® Number when filing with USCIS.

It is important to note that USCIS will not automatically issue an RFE or NOID if an employer's information is not included in the D&B database. As part of the adjudication, USCIS will also review information found in the evidence submitted with the petition and, if needed, additional publicly available information (such as the relevant Office of the Secretary of State's business registrations). The ISO will make a final decision based on the totality of the circumstances.

A U.S.-based privately held company or organization may contact D&B to request a D U N S® Number by using D&B's iUpdate for US government customers. U.S.-based publicly traded companies, government entities and foreign entities may contact D&B via www.dnb.com.

For more information about the D U N S® Number, visit www.dnb.com.

Q15. How long does it take for D&B to update information about a company or organization?

A15. D&B advises that its verification process is generally completed within 2 to 7 business days, upon which the updated information is included in the customer's record. D&B further advises that requests for new D U N S® Numbers are usually fulfilled within 30 days. Petitioners may contact D&B for more information.

Q16. If I contact D&B through the iUpdate service for U.S. government customers, will I be offered commercial services or products?

A16. No. By contacting D&B through this link, certain USCIS petitioners and other U.S. government customers will be able to create, update and view the basic elements of their company's or organization's D&B report without being subjected to direct marketing from D&B.

Q17. If I contact D&B through www.dnb.com, can I be offered commercial services or products from D&B?

A17. Yes. USCIS wants to ensure that the public is aware that D&B representatives may suggest that you purchase products and services from them if you contact D&B through www.dnb.com. However, USCIS does not endorse D&B or its products or services, and does not in any way suggest that you purchase products or services from D&B in order to ensure your information is complete. Additionally, USCIS does not in any way suggest that you pay any fee to expedite the creation of a new record or to update an existing record.

Please send questions and comments about VIBE to VIBE-Feedback@dhs.gov.

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