



Teleconference Recap: USCIS Validation Instrument for Business Enterprises (VIBE) -- How Is It Working For You?

On January 11, 2012, the Office of the Citizenship and Immigration Services Ombudsman hosted a teleconference on U.S. Citizenship and Immigration Services' (USCIS) new Validation Instrument for Business Enterprises (VIBE). VIBE is an information system USCIS adjudicators use to verify business information submitted in support of employment-based petitions. From the outset, stakeholders reported to the Ombudsman's Office that USCIS' use of VIBE has negatively affected employment-based immigration benefit filings, including increased processing times, burdensome and confusing Requests for Evidence (RFEs), and inconsistent decision making.

VIBE was intended to reduce fraud in employment-based immigration petitions by enabling USCIS adjudicators to rapidly verify business and financial information submitted by petitioning employers. Through VIBE, USCIS adjudicators access commercially available business information compiled by Dun and Bradstreet (D&B), which is derived from public records, commercial databases, and public domain information resources (*e.g.*, corporate annual reports, shareholder announcements, etc.).

This information contained in VIBE may include, but is not limited to, the following:

- Type of business, as classified under the North American Industry Classification System and related information regarding business activities
- Trade payment information and status (active or inactive)
- Financial standing, including sales volume and credit standing
- Number of employees, worldwide and at specific business locations
- Relationships with other business entities, including "DBAs," foreign affiliates, etc.
- Corporate structure, such as whether the business is operating as a single entity, branch, subsidiary, or headquarters entity
- Ownership and legal status, such as LLC, partnership or corporation
- Company executives
- Date of establishment as a business entity
- Current physical address

This teleconference provided an open forum for participants to share their experiences with VIBE. Many participants were either petitioning employers or attorneys who represent employers. Frederick Troncone, Senior Advisor to the Ombudsman on Employment Immigration moderated the teleconference.

During the call, participants expressed a variety of concerns with VIBE. The following is a list of some of the more common issues:

- Stakeholders reported receiving multiple VIBE-related RFEs for a single petitioning employer. Participants wondered why USCIS would continue to raise the same issue in subsequent filings after receiving the petitioner's first RFE response, and suggested that USCIS share employer information with other adjudicators reviewing petitions filed by the same company.
 - More specifically, one participant reported that his clients received far more VIBE-related RFEs for H-1B petitions in comparison to those for L-1 or L-2 petitions. Other participants reported issues with VIBE-related RFEs for H-2A petitions, including multiple RFEs for the same petition, as well as for different petitions filed by the same company.

- Stakeholders complained that VIBE-related RFEs requested information already submitted with the initial petition filing. More specifically, multiple participants reported submitting evidence at the outset in order to avoid VIBE-related RFEs including, but not limited to, documentation of pay roll, tax returns, proof of identification, commercial leases, proof of employees, and shareholder certificates.
 - Another participant reported providing detailed documentation to verify the identity of the corporation, but USCIS found no evidence of the company through VIBE, and it was confused with a completely separate, unrelated company. Participants expressed frustration that there are no clear instructions regarding the type of documents required to avoid VIBE-related RFEs.
- Several stakeholders reported that VIBE-related RFEs have delayed the adjudication of petitions in almost all types of employment-based immigrant and nonimmigrant classifications. More generally, a number of participants noted that while ultimately they received approvals, the resulting delays had economic and other consequences. One participant reported a year-long adjudication delay due to a VIBE trigger. While the caller suggested that sufficient documentation and evidence was provided with the initial filing, it appears that the company's profile in D&B had not been updated.
- Certain stakeholders were disparately impacted by VIBE, such as H-2A petitioners, as many farm and farm-related petitioners are not found in D&B's database. Delays attributed to VIBE-related RFEs are particularly burdensome in this time-sensitive industry, sometimes resulting in lost crops and financial hardship.
- Stakeholders expressed frustration that Dunn and Bradstreet uses aggressive sales tactics to sell additional services when employers attempted to update company profiles. Stakeholders also suggested that D&B should move in a more timely fashion to complete and upload updates made by petitioning employers without requiring them to pay a fee for expedited service. *NOTE: In late January 2012 USCIS announced that U.S. employers may seek to update their company profile with D&B through a special web portal "without being subjected to direct marketing from D&B."*

At times, stakeholders report even well-known companies listed on major U.S. stock exchanges cannot avoid VIBE-related RFEs. As one participant stated, VIBE has its flaws, but it is ultimately an adjudicator who must make the right call whether or not to issue an RFE.

The Ombudsman's Office continues to study VIBE, its efficacy as an adjudication tool, whether it is being used properly by USCIS adjudicators, and whether exceptions should be made for certain industries. Please share any comments or feedback related to VIBE by emailing CISOmbudsman.PublicAffairs@hq.dhs.gov.

This page was last reviewed / modified on June 14, 2012.