



U.S. Citizenship and Immigration Services

Validation Instrument for Business Enterprises (VIBE) Program

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 to validate basic information about companies or organizations petitioning to employ alien workers. USCIS is beta-testing VIBE, and petitioners may begin seeing VIBE-related Requests for Evidence (RFEs).

Background

Currently, when adjudicating employment-based petitions, USCIS primarily relies on paper documentation supplied by the petitioning company or organization to establish the petitioner's eligibility for the requested classification. Petitioners often submit large amounts of paperwork as evidence of their current level of business operations. When petitioners' paperwork does not sufficiently document the evidence required under the law, USCIS issues a Request for Evidence (RFE) for additional documentation, delaying final adjudication of the petition.

VIBE Program

VIBE allows USCIS to electronically receive commercially available information from an independent information provider (IIP) about a petitioning company or organization, including:

- 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, including onsite and globally
- Relationships with other entities, including foreign affiliates
- Status, for example whether it is a single entity, branch, subsidiary or headquarters
- Ownership and legal status, such as LLC, partnership or corporation
- Company executives
- Date of establishment as a business entity
- Current physical address

A USCIS officer will review all information received through VIBE along with the evidence submitted by the petitioner. Adjudicators will use the information provided from VIBE to verify the petitioner's qualifications. For example, if a petitioner is seeking L-1 status for a beneficiary, VIBE will help adjudicators confirm that the petitioner has a foreign affiliate, which is a requirement for granting L-1 status. In cases where petitioners must establish ability to pay, information from VIBE will assist in confirming the petitioners' financial viability. USCIS will not deny a petition based upon information from VIBE without first giving a petitioner the opportunity to respond to USCIS's concerns. USCIS

will issue an RFE or a Notice of Intent to Deny (NOID) if it is necessary to resolve relevant inconsistencies or other issues that emerge upon review of information supplied by VIBE that are material to the benefit requested. The Immigration Services Officer (ISO) will make a final decision based on the totality of the circumstances.

Immigrant Classifications Included in VIBE

The following I-140 employment-based immigrant classifications will be included in VIBE:

- E12 Outstanding professor or researcher
- E13 Multinational executive or manager
- E21 Member of professions holding an advanced degree or an alien of exceptional ability (with the exception of National Interest Waiver petitions)
- E31 Skilled Worker
- E32 Professional
- EW3 Unskilled/Other Worker

Additionally, the following I-360 employment-based immigrant classifications will be included in VIBE:

- SD1 Minister of Religion
- SR1 Non-minister in a religious occupation or vocation

The following I-129 employment-based nonimmigrant classifications will also be included in VIBE:

- E-1 Treaty Trader
- E-2 Treaty Investor
- E-3 Member of specialty occupation who is a national of the Commonwealth of Australia
- H-1B Specialty occupation worker
- H-1B1 Specialty occupation worker from Chile or Singapore
- H-1B2 Worker performing services related to a Department of Defense (DOD) cooperative research and development project or co-production project
- H-1B3 Fashion model of distinguished merit and ability
- H-2A Temporary or seasonal agricultural worker
- H-2B Temporary non-agricultural worker
- H-3 Trainee or special education exchange visitor
- L-1A Intra-company transferee in a managerial or executive position
- L-1B Intra-company transferee in a position utilizing specialized knowledge
- LZ Blanket L petition
- Q-1 International cultural exchange visitor
- R-1 Religious worker
- TN NAFTA professional from Canada or Mexico

At this time, the following classifications will not be included in VIBE due to the very unique eligibility requirements for these classifications:

- 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)

Goals of VIBE

By enhancing USCIS's ability to distinguish eligible petitioners more easily from those who may be ineligible, VIBE is expected to increase the efficiency of reviews by USCIS ISOs. In the future, VIBE should reduce the need for petitioners to submit identical paper documentation with each petition to establish their current level of business operations. VIBE should also assist USCIS to reduce the number of RFEs issued to otherwise eligible petitioners.

By providing the same petitioner information to all four USCIS Service Centers, VIBE promotes the consistent review of employment-based immigrant and nonimmigrant petitions. Overall, the information provided by VIBE improves the integrity of employment-based immigrant and nonimmigrant programs and the process for petitioners seeking foreign workers to employ.

Feedback about VIBE

Some petitioners may receive an RFE or NOID referencing information received from the IIP through VIBE. Petitioners are required to respond to these RFEs or NOIDs; failure to respond may result in a denial of the petition. However, USCIS encourages petitioners to bring to our attention any questions related to RFEs or NOIDs involving IIP information USCIS received through VIBE, as well as suggestions for improving the program by contacting us at VIBE-Feedback@dhs.gov.

This page can be found at <http://www.uscis.gov/vibe>

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[Plug-ins](#)