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VIBE - Validation Instrument for Business Enterprises

There is an important USCIS update to be aware of as it relates to the adjudication of certain employment based petitions.

The USCIS has begun to use a new tool to aid its adjudicators in verifying information about companies or organizations petitioning to employ foreign workers. Through a system called VIBE (Validation Instrument for Business Enterprises), the USCIS will verify that the information contained on a petition is consistent with that maintained in Dun & Bradstreet (D&B). To learn more about this program or learn how to verify whether your corporate information contained in D&B remains accurate, read this article.

Introduction

The Web-based *Validation Instrument for Business Enterprises* (VIBE) is a tool designed to enhance USCIS' 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 alien workers. Currently, the independent information provider for the VIBE program is Dun and Bradstreet (D&B). USCIS is beta-testing VIBE, and petitioners may begin seeing VIBE-related Requests For Evidence (RFEs).

Questions & 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 alien workers. One of the goals of VIBE is to equip adjudicators with information from an independent source that they can use to help determine petitioners' eligibility.

Q2. Which petitions will be included in VIBE?

A2. VIBE will include most employment-based petitions filed by companies and organizations, including the following types of petitions: Petition for a Nonimmigrant Worker (Form I-129); Immigration Petition for an Alien Worker (Form I-140); and Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360). See www.uscis.gov/vibe for a complete list of immigrant and nonimmigrant classifications included in VIBE. At this time, VIBE will not include employment-based petitions requesting E11, E21 national interest waiver, EB-5, or O and P classifications due to their unique eligibility requirements.

Q3. What information will VIBE provide to Immigration Services Officers (ISOs)?

A3. VIBE will provide ISOs with information on the petitioning company 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, 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.

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' concerns.

USCIS will issue an RFE or a Notice of Intent to Deny (NOID) if there is derogatory or contradictory information found in VIBE that is material to the benefit requested and 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 in VIBE. The RFE or NOID will also include information about how a petitioner may contact Dun & Bradstreet (D&B), the company that serves as the independent information provider for VIBE, to correct information.

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. If a petitioner receives an RFE or NOID for a VIBE-related issue, it is not required to update its information with D&B. The petitioner may choose to contact D&B to update the record in order to prevent any subsequently filed petitions from receiving a similar RFE or NOID for the VIBE-related issue in question.

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' 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 aids USCIS in matching information from the petition with information received through VIBE. Listing an attorney or representative's address in the "Petitioner Information" section of the form may result in the issuance of an RFE.

Q10. When filing an 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 that it has the 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" that is specified in the regulations.

Q11. What effect will VIBE have on processing times for employment-based petitions?

A11. Initially, VIBE will not change USCIS' overall processing time goals. If there is relevant derogatory or contradictory information identified by VIBE, the petitioning organization may experience prolonged processing due to the time required to complete the RFE, NOID or administrative inquiry. On the other hand, VIBE may allow USCIS to resolve inconsistencies in the record, potentially reducing the need to issue RFEs. USCIS' goal for VIBE is to gradually reduce processing times for most employment-based petitions.

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

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

A12. D&B provides two ways a company or organization may request a copy of its D&B report:

- By calling D&B's toll free Customer Support Center at 1-800-234-DUNS (3867)
- By using D&B's Internet-based service, "e-update," available at www.dnb.com/eupdate .

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

A13. No. There is no fee for a company or organization to view its own D&B report or update its information with D&B.

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

A14. If you find that D&B does not yet have any information about your company or organization, you may request a D-U-N-S® Number from D&B. The D-U-N-S® Number is a unique nine-digit identification sequence developed by D&B that provides a unique identifier of single business entities, while linking corporate family structures together. For more information about the D-U-N-S® Number, visit www.dnb.com .

A company or organization may contact D&B to request a D-U-N-S Number:

- By calling D&B's Customer Support Center at 1-800-234-DUNS (3867)
- By applying online at www.dnb.com . Click the "Get a D&B D-U-N-S® Number" link in the "Customer Resources" section

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. USCIS will not automatically issue an RFE or NOID if an employer's information is not included in the D&B database.

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

A15. D&B advises that their verification process is generally completed within two to seven business days and that upon completion, 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. Contact D&B for more information.

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

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