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# Validation Instrument For Business Enterprises (VIBE) ? USCIS Initiates New and Free Streamlined Process

## Validation Instrument For Business Enterprises (VIBE) ? USCIS Initiates New and Free Streamlined Process <sup>[1]</sup>

Submitted by Chief Editor on Jan 30th 2012

### **Introduction:**

VIBE is a web-based adjudication tool used by USCIS to validate basic information about companies petitioning to employ alien workers. VIBE uses commercially available data from an independent information provider (IIP) to validate basic information about companies petitioning to employ certain alien workers. Dun and Bradstreet (D&B) is the current IIP for this program.

This service is available to US based, privately held companies only. It is free of charge, and petitioning employers may access this process via D&B's iUpdate for U.S. government customers <sup>[2]</sup> <sup>[3]</sup>-- a free, password-protected and encrypted online service tool offered by D&B.

Please note that USCIS does not expect or require petitioners to contact D&B or pay any fees associated with creating or updating an existing record. Employers who wish to update their information through D&B directly may be subject to direct marketing by the organization or encounter D&B representatives who may suggest a purchase of the firm's products and services.

### **Purpose of VIBE:**

The purpose behind VIBE is to increase the efficiency of the visa petitioning process by reducing the amount of documents employers have to submit with each petition in order to prove eligibility. Furthermore, USCIS will also be able to reduce the number of RFEs issued to otherwise eligible petitioners.

An important point to note is that USCIS will not deny a petition based solely on information from VIBE without at least first giving the petitioner an opportunity to respond to the RFEs or NOIDs issued by USCIS.

Please note that whether or not you choose to create a record or update your record with

D&B, you must respond to any RFE or NOID received from USCIS. Failure to respond could result in the denial of your petition. Furthermore, it is necessary to resolve relevant inconsistencies in the information provided by the employer, on one hand, and information available on VIBE, on the other.

### **Mechanics of VIBE:**

The type of commercially available information that USCIS will be able to electronically receive through VIBE includes:

- 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.

This information will be reviewed by a USCIS officer along with the information submitted by the petitioner, based on the **totality of circumstances standard**. 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.

### **Immigrant Classifications 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 (Petition for Amerasian, Widower or Special Immigrant) employment-based immigrant classifications are included in VIBE:

- SD1, minister of religion
- SR1, nonminister in a religious occupation or vocation

### **Nonimmigrant Classifications 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 cooperative research and development project or coproduction project
- H-1B3, fashion model of distinguished merit and ability
- H-2A, temporary or seasonal agricultural worker
- H-2B, temporary nonagricultural worker
- H-3, trainee or special education exchange visitor
- L-1A, intracompany transferee in a managerial or executive position
- L-1B, intracompany 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

**Classifications Not Included in VIBE:**

- 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)

**Nonimmigrant Visas:**

General Nonimmigrant Visa <sup>[4]</sup>

**Profession/Occupation:**

Employers and HR <sup>[5]</sup>

Employee <sup>[6]</sup>

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**Links:**

- [1] <https://immigration.com/news/general-nonimmigrant-visa/validation-instrument-business-enterprises-vibe-%E2%80%93-uscis-initiates-new>
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