



One Minute Memo[®]

Bad VIBERations: USCIS Announces Beta-Testing of Validation Instrument for Business Enterprises (VIBE) Program

Continuing the pattern of implementing comprehensive anti-fraud measures against petitioning U.S. employers, U.S. Citizenship and Immigration Services (“USCIS”) recently announced the testing and rollout of the web-based Validation Instrument for Business Enterprises Program, otherwise known as VIBE. Under the VIBE program, USCIS examiners will receive commercially available business information about a petitioning company from Dun and Bradstreet (D&B) databases and then use the information to verify, validate, and cross-check the information in the course of an adjudication. In particular, USCIS examiners will use VIBE to compare various D&B data points, including business activities, ownership, address, number of employees, and financial standing, against the information submitted in the company’s visa petition. As stated by USCIS, the goal of the program is to enhance the Service’s ability to identify fraudulent petitions. USCIS will use VIBE on the nonimmigrant side to corroborate information on Form I-129 petitions that are filed to obtain H-1B, L-1, E, and TN classification, among others. On the immigrant side, VIBE will be used by USCIS examiners when adjudicating Form I-140 petitions including employment-based first preference (EB-1) outstanding researchers and multinational managers, second preference (EB-2) advanced-degree and exceptional ability individuals, and third-preference (EB-3) professional, skilled, and unskilled workers. At this stage, EB-1 extraordinary ability petitions as well as EB-2 national interest waiver petitions are exempt from the VIBE program.

As USCIS performs testing of the VIBE program and identifies discrepancies between submitted employer information and Dun and Bradstreet data, we expect the number of Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs) received by petitioning employers to increase. In light of VIBE’s broad impact and the processing delays that may result, we recommend that employers check the information contained on their D&B profile, verify that the information is current and accurate, and contact D&B to correct any mistakes.

For more information, please contact the Seyfarth attorney with whom you work or any Business Immigration attorney on our [website](#).

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