

## Immigration Alert

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### New USCIS Business Verification Tool Prompts Closer Scrutiny for Employers & May Necessitate Updating Dun & Bradstreet Information

On January 28, 2011, U.S. Citizenship and Immigration Services (USCIS) started testing a new database to validate information about U.S. employers filing petitions for employment-based immigration benefits. The web-based Validation Instrument for Business Enterprises (VIBE) uses commercially available data from Dun & Bradstreet (D&B) to validate information about companies or organizations, including the following:

- Business activities, such as type of business, trade payment information, and status (active or inactive);
- Financial standing, including sales volume and credit standing;
- Number of employees, including on-site 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; and
- Current physical address of headquarters or any of the company's offices.

During the testing phase, USCIS is consulting the VIBE database when initial documentation does not sufficiently address the required evidence for approval. However, our experience since this process started indicates it is verifying information provided in the petitions against the VIBE information even when initial documentation is sufficient for approval. USCIS has stated it will not deny a petition based on information from the VIBE database without first giving a petitioner the opportunity to respond to USCIS's concerns. USCIS is issuing Requests for Evidence (RFE) or Notices of Intent to Deny (NOID) to resolve any inconsistencies that arise upon review of the VIBE data. These inconsistencies, in our experience, have been as minor as a suite number in the address line that does not match the suite number listed in the D&B database.

As the information in the VIBE database comes through D&B, we strongly encourage all employers to check their D&B profiles to make sure *all the information is correct*, prior to filing visa petitions with USCIS. Employers can update their D&B profile as needed through one of the following methods:

- By telephone by calling 1-800-234-DUNS (3867), or
- Online at [www.dnb.com](http://www.dnb.com). There is a link to "Update Your D&B Profile," which provides a secure process for updating business information directly and correcting inconsistencies.

D&B will verify all updated information and include verified information in the D&B customer record within 72 hours. Please note there is no fee to update this information. We advise employers to maintain records of their efforts to update their profiles as this can help in responding to requests from USCIS.

If you have any questions about this alert, please contact your Mintz Levin attorney or one of our Immigration attorneys.

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