



# Privacy Impact Assessment

for the

# Validation Instrument for Business Enterprises (VIBE)

**DHS Reference No. DHS/USCIS/PIA-044(b)**

December 14, 2021



Homeland  
Security



## Abstract

The U.S. Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS) developed the Validation Instrument for Business Enterprises (VIBE) to validate the business operations and financial viability of employers seeking to hire foreign workers; and identify benefit fraud based on internal and other government agencies' referrals. USCIS is updating this Privacy Impact Assessment (PIA) to account for (1) VIBE's storing the VIBE advisory Record of Action (ROA); (2) the collection of additional Dun and Bradstreet (D&B) data elements; (3) updates to the information sharing agreement with the Department of Labor (DOL); (4) new interconnection with USCIS Electronic Immigration System (ELIS); (5) the addition of Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker (CW-1) visa classification; (6) VIBE modernization; and (7) the future integration with (E-Verify).

## Overview

USCIS oversees the immigration process and is responsible for reviewing and adjudicating employment-based benefit request forms with supporting documentation to confirm eligibility submitted by employers yearly. As part of the adjudication process, Immigration Service Officers (ISO) substantiate the submitted information and conduct security screening checks. Immigration Service Officers refer cases suspected of possible immigration benefit fraud to Fraud Detection and National Security (FDNS)<sup>1</sup> Immigration Officers (FDNS IO) at the Center Fraud Detection Operations (CFDO) to initiate an administrative inquiry. Previously, Immigration Service Officers manually reviewed evidence without a standardized means of validating the information.

USCIS uses VIBE to enhance USCIS adjudications of certain employment-based immigration petitions and applications. The USCIS Service Center Operations (SCOPS) operates VIBE to assist USCIS Immigration Service Officers in the identification of valid petitioners/employers while simultaneously identifying ineligible petitioners/employers and potentially fraudulent filings. VIBE consolidates and displays information from Computer Linked Application Information Management System (CLAIMS 3),<sup>2</sup> ELIS,<sup>3</sup> the Independent Information Provider (IIP—currently Dun and Bradstreet),<sup>4</sup> labor certification information from DOL, and

---

<sup>1</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES PRIVACY IMPACT ASSESSMENT FOR FRAUD DETECTION AND NATIONAL SECURITY DATA SYSTEM (FDNS-DS), DHS/USCIS/PIA-013, available at <https://www.dhs.gov/privacy-impact-assessments>.

<sup>2</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES PRIVACY IMPACT ASSESSMENT FOR THE COMPUTER LINKED APPLICATION INFORMATION AND MANAGEMENT SYSTEM (CLAIMS 3) AND ASSOCIATED SYSTEMS, DHS/USCIS/PIA-016, available at <https://www.dhs.gov/privacy-impact-assessments>.

<sup>3</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES PRIVACY IMPACT ASSESSMENT FOR THE ELECTRONIC IMMIGRATION SYSTEM (USCIS ELIS), DHS/USCIS/PIA-056, available at <https://www.dhs.gov/privacy-impact-assessments>.

<sup>4</sup> DUN & BRADSTREET, INC. provides commercial data, analytics, and insights for businesses. Available at <https://www.dnb.com>.



VIBE-generated information based on USCIS developed algorithms through the VIBE Status Report (VSR—a consolidated report generated by a specifically designed algorithm in VIBE). This data helps identify eligible petitioners/employers, as well as ineligible employers and potentially fraudulent filings. VIBE enhances USCIS’s mission by distinguishing eligible petitioners/employers from those that are ineligible.

USCIS uses the information from VIBE to confirm a petitioner’s/employer’s financial viability and operational status for petitions and applications where a job offer is required. USCIS will not deny a petition or an application solely based upon information from VIBE. If USCIS officers find significant data discrepancy between the evidence submitted by the petitioner or applicant and the information presented in VIBE, they will give the petitioner or applicant the opportunity to respond to the agency’s concerns. USCIS may issue a Request for Evidence (RFE)<sup>5</sup> or a Notice of Intent to Deny (NOID)<sup>6</sup> if it is necessary to resolve relevant inconsistencies or other issues that emerge upon review of VIBE-supplied information that are material to the benefit requested. USCIS will then make a final decision based on the totality of the circumstances.

## Reason for the PIA Update

USCIS is updating the VIBE PIA to account for VIBE storing the Record of Action and additional Dun and Bradstreet data elements; adding the Commonwealth of the Northern Mariana Islands-Only Transitional Worker visa classification in VIBE; identifying updates to the information sharing agreement with DOL to include ETA 9142C, *CW-1 Application for Temporary Employment Certification*, and ETA 9089, *Application for Permanent Employment Certification*; identifying the new interconnection with USCIS ELIS; and VIBE modernization, as well as to inform of the future update regarding the integration with E-Verify for the Commonwealth of the Northern Mariana Islands-Only Transitional Worker program.

### Advisory Record of Action (ROA)

In instances where Fraud Detection and National Security wishes to convey information but does not have the results of a complete investigation to report in a Statement of Findings (SOF), Fraud Detection and National Security-Immigration Officers may use an Record of Action form.<sup>7</sup> The Record of Action is used to report actions, such as issuing an administrative subpoena, making

---

<sup>5</sup> A Request for Evidence is a document issued to an applicant or petitioner on a pending case when USCIS determines that additional clarification, information, or evidence is needed to approve the case.

<sup>6</sup> A Notice of Intent to Deny is a document issued to an applicant or petitioner that informs the individual that he or she has been identified as ineligible for the immigrant benefit requested, and allows the party an opportunity to overcome ineligible determinations by demonstrating with the appropriate information/documentation that he/she is eligible for the benefit.

<sup>7</sup> Although a Record of Action may be used to convey information, a Statement of Findings is the sole instrument for Fraud Detection and National Security-Immigration Officers to report the results of a completed investigation to USCIS adjudications for use in determining eligibility of an immigration benefit.



an overseas verification request, taking a sworn statement, recording responses to other government agency requests for assistance, and/or to record activities during ongoing, large-scale/long-term investigations. The Record of Action may also be used to present advisory information, such as information relating to organizations that have a VIBE designation of “known fraudulent entity,”<sup>8</sup> and/or to communicate information to USCIS adjudicators, such as the results of preliminary investigative activities that may cause an adjudicator to issue a Request for Evidence. To streamline the existing VIBE fraud detection process, Service Center Operations is updating VIBE to enable Record of Actions created by the Center Fraud Detections Operations to be stored in VIBE.<sup>9</sup>

When a petition/application is filed by known fraudulent entities or associated with known fraudulent immigration practitioners<sup>10</sup> or addresses,<sup>11</sup> the petition/application may be sent to the Center Fraud Detections Operations to review prior to adjudication and for preparation of a Statement of Findings. There are circumstances when the underlying fraud findings for the known fraudulent entities, addresses, or immigration practitioners do not warrant Center Fraud Detections Operations review prior to adjudication. In those cases, a Record of Action will be created by the Center Fraud Detections Operations in lieu of the Statement of Findings. Center Fraud Detections

---

<sup>8</sup> **Known Fraud Entities:** All entities identified as committing fraud through an administrative inquiry or DOL debarment are added to this list. Known fraud entities may include businesses, organizations, and educational institutions identified as “diploma mills.” This list generally maintains the name of the entity, associated FDNS-DS record, and a brief reason for its inclusion on the list.

<sup>9</sup> Record of Actions will also continue to be stored in Fraud Detection and National Security-Data System.

<sup>10</sup> **Known Fraud Immigration Practitioners:** An attorney or an accredited representative can act on behalf of an applicant, petitioner, or requestor by completing a DHS Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. An attorney or an accredited representative of a recognized organization may represent an applicant, or petitioning entity seeking immigration benefits without the appropriate credentials to perform this service. Immigration practitioners on this list have been the subject of federal, state, or local court action to stop their unauthorized practice of law or theft of fees for legal services. This list generally maintains the name of the immigration practitioner, the state abbreviation of the immigration practitioner’s address, associated FDNS-DS record, and a brief reason for the practitioner’s entry on the list. Information in this list is retrieved by “soundex,” a phonetic algorithm for indexing names by the way they sound instead of the way they are spelled. A soundex hash is a code that weighs the sounds of letters so that similar sounding names, recorded under various spellings, result in the match. A soundex hash of the first and last name will be compared to a soundex hash of known fraud immigration practitioners. VIBE automatically runs a soundex query only when a petition, request or application is filed with Form G-28. When the VIBE system performs the soundex query, the system will fetch the immigration practitioner name and state abbreviation based on the G-28 information and bounce against the Known Fraud Immigration Practitioners list to identify possible matches. Only the matched Known Fraud Practitioners, the corresponding FDNS-DS record number, and a brief reason for why the immigration practitioner is on the list are displayed in VIBE.

<sup>11</sup> **Known Fraud Addresses:** USCIS also identifies addresses associated with multiple filings by one or more organization, attorney, preparer, law office, applicant, or petitioner that FDNS suspects or finds to have engaged in fraud, criminal activities, or when national security concerns are present.

This list includes physical addresses and mailing addresses. FDNS provides the initial list of Known Fraud Addresses based on the records in FDNS-DS for individuals who USCIS suspects or finds to have engaged in the fraud with the associated address. Only the matched Known Fraud Addresses, the corresponding FDNS-DS record number, and a brief reason for why the address is on the list are displayed in VIBE.





Operations may create a Record of Action via a standardized template either via VIBE or via other applications, and then upload the Record of Action document to VIBE.<sup>12</sup> VIBE will maintain and store the Record of Action document linked to the associated known fraud entity in the VIBE database. If/when a petition or application is filed by a known fraud entity, VIBE will be able to sweep the petition/application from CLAIMS 3 or ELIS and determine whether a corresponding Record of Action is available in VIBE. If there is a Record of Action associated with the petitioning entity or immigration practitioner, the adjudication officer will be able to access the Record of Action via VIBE Status Report to support making an adjudicative decision. Allowing officers access to the Record of Action electronically in VIBE will eliminate delays and unnecessary case routing and reviewing processes for petitions/applications filed by known fraudulent entities, known fraudulent immigration practitioners and known fraudulent addresses. The Record of Action will be valid for one-year from the date the document was created. Prior to that one-year ending, the Center Fraud Detections Operations Immigration Officer who created the document will review the fraud findings for the known fraudulent entity or the immigration practitioner. If the Record of Action is no longer valid the Center Fraud Detections Operations will update VIBE to remove the Record of Action link for VIBE users. The Record of Action can also be updated or removed at any time if there are additional updates on the fraud findings due to on-going or routine Fraud Detection and National Security investigation.

### **Additional Dun and Bradstreet Data Elements**

Service Center Operations uses an Independent Information Provider, currently Dun and Bradstreet, to provide information to VIBE. In adjudicating employment-based benefits, information from Dun and Bradstreet helps USCIS accurately determine whether petitioners qualify for the requested benefit, or if providing the benefit otherwise may violate the law. To accomplish this, USCIS uses an independent, third party information provider to accurately match a company's provided name and address against a comprehensive database of domestic and international businesses, returning reliable, critical information about that petitioning entity.

If VIBE finds a match in the Dun and Bradstreet database, it retrieves and displays certain data elements on the VIBE Status Report. USCIS is also licensed for 25 additional Dun and Bradstreet data elements (listed below) that are not used for VIBE Status Report purposes. These 25 additional data elements will not be used or appear on the VIBE Status Report but have been retrieved and stored in the VIBE database for future usage. Only VIBE administrators will have access to the additional data elements. The availability of Dun and Bradstreet data for retrieval provides USCIS with the capability to run in-depth analyses of petitioning entities and combat certain types of benefit fraud without VIBE Status Report's limitations. If the algorithm in VIBE needs to be modified, USCIS will now have these additional 25 commercial data elements

---

<sup>12</sup> The VIBE Record of Action created by Center Fraud Detections Operations Immigration Officer based on the fraud investigation is an in-house product only accessible to USCIS employees.



available for refinement. USCIS will issue an update to the VIBE Privacy Impact Assessment if it determines these additional data elements will appear on the VIBE Status Report.

The additional data elements include:

1. NIXIE Code - An indicator denoting the deliverability of mail to a business' address;
2. Latitude - The latitude, in decimal degrees, of the business's physical location;
3. Longitude - The longitude, in decimal degrees, of the business's physical location;
4. Economic Activity Code - A code denoting an area of economic activity as influence designated by the U.S. Bureau of Economic Analysis;
5. Sales Three Year Trend - The sales volume in the last year of a three-year trend period;
6. Employee Three Year Trend - The employee count in the last year of a three-year trend period;
7. Public Private Indicator - Indicator that shows whether the business is publicly or privately held;
8. DUNS Integrated Assigned Sequence (DIAS) Code: an assigned code that sequences every entity within a family tree group from the ultimate parent to the lowest entity linked to the group;
9. Population Code: a code indicates the residential population at the business' location;
10. Primary Standard Industrial Classification (SIC) Code - The Primary Standard Industrial Classification Code is assigned to the entity. The Standard Industrial Classification describes the type of activity performed by the business at this location. The four-digit Standard Industrial Classification code is an index which describes the function (manufacturer, wholesaler, retailer, or service) and the line of business in which the entity is engaged;
11. High Credit - The highest reported credit balance for the business during the past 12 months;
12. Average Credit - The average credit represents the mean of the highest credit extended to the subject business over the past 12 months;
13. Secure Filings Indicator - Indicates whether open secured filings such as U.S. Uniform Commercial Code (UCC) filings, secured charges/mortgages pledging, or equivalent exist for the business in Dun and Bradstreet's database;
14. Suits/Judgements Indicator - Indicates whether open suits, judgments, petitions, or payment remarks exist in the Dun and Bradstreet database for the business;



15. Claims/Liens Indicator - Indicates if open claims, liens, protested bills, warrants, social security summons, or equivalent exist in the Dun and Bradstreet database for the company;
16. Paydex - A Dun and Bradstreet payment score that assesses the payment performance of a business;
17. Financial Embarrassment Indicator - An indicator denoting the presence of an open or closed bankruptcy, receivership liquidation, or discontinuance with unpaid obligations for the business;
18. Tixie Code - A code denoting the validity of a business's phone number;
19. Government Contracts Indicator - Identifies businesses having at least one federal contract award;
20. Small Business Indicator - Indicates business is classified as a small business by the U.S. Small Business Administration (SBA);
21. Line of Business - Narrative description of the operations or activities of the business generated from the Primary Standard Industrial Classification Code under which it is classified;
22. Criminal Indicator - The Criminal Indicator provides an indication of whether criminal proceedings related to the case exist in Dun and Bradstreet's database;
23. Mailing Addresses - The primary mailing address/PO Box associated with the business;
24. Domestic Ultimate DUNS Number - The DUNS number associated with the Domestic Ultimate (parent's) location; and
25. Domestic Ultimate Business Name - The business name associated with the Domestic Ultimate location.

## **Information Sharing with the DOL**

On July 30, 2020, DHS and DOL signed a new Memorandum of Agreement (MOA) to supersede and replace the previous Memorandum of Agreement dated January 12, 2017, and a corresponding 2019 addendum. Like the previous Memorandum of Agreement, USCIS and DOL agreed to share labor certification and labor condition application (LCA) information, issued by the DOL Office of Foreign Labor Certification (OFLC), with USCIS through a system interface between VIBE and DOL's systems. Through this agreement each agency provides authorized employees read-only access to the relevant systems. Authorized DOL employees also have read-only access to view certain CLAIMS 3 information through the Person Centric Query System



(PCQS).<sup>13</sup> In addition, USCIS provides DOL Office of Foreign Labor Certification, Wage and Hour Division (WHD) and Office of Inspector General (OIG) read-only access to VIBE under the authorization by the VIBE Independent Information Provider. USCIS ensures “read-only” access is controlled through user access rights. DOL uses the USCIS data to assist in: reviews and adjudications of labor condition and certification applications; program integrity actions; and processing enforcement actions to ensure compliance with required wage payments, working conditions, recruitment activities, and hiring practices.

DOL’s Office of Foreign Labor Certification underwent a system modernization effort. The legacy iCERT Visa Portal System (iCERT) was replaced by the Foreign Labor Application Gateway (FLAG) system. The Foreign Labor Application Gateway serves as the new application filing and case management solution for DOL foreign labor certification programs which include form ETA9142 A/B/C and ETA9035. An addendum to the 2017 DOL/DHS data-sharing Memorandum of Agreement was signed on September 6, 2019, and enabled VIBE to retrieve and share the DOL ETA9142C data, which is a new labor certification form issued for the Commonwealth of the Northern Mariana Islands-Only Transitional Worker visa program. VIBE has updated the existing data transaction service with the DOL system to retrieve and store the DOL data contained on the new form ETA9142C, updated revision of ETA9142A, and ETA790A, ETA9142B, and ETA9035 issued from the Foreign Labor Application Gateway.<sup>14</sup>

The new Memorandum of Agreement includes the data categories in its appendices that will be shared among the parties stated in the Memorandum of Agreement. The appendices also include the administrative case records available from the DOL iCERT Visa Portal System and Foreign Labor Application Gateway systems. The new DOL Office of Foreign Labor Certification Datahub platform will provide the capability for sharing near real-time state of case data for the DOL Employment and Training Administration (ETA) form types, case action history, and supporting documents issued from the Foreign Labor Application Gateway system. The DOL Employment and Training Administration forms may be retrieved via VIBE as the original PDF file issued from Foreign Labor Application Gateway. The associated supporting documents may be retrieved in their original formats issued from Foreign Labor Application Gateway, such as PDF, Word, Excel, or JPEG file. Future VIBE development will retrieve labor certification associated documents based on the corresponding DOL Employment and Training Administration

---

<sup>13</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES PRIVACY IMPACT ASSESSMENT FOR THE PERSON CENTRIC QUERY SYSTEM (PCQS), DHS/USCIS/PIA-010, *available at* <https://www.dhs.gov/uscis-pias-and-sorns>.

<sup>14</sup> See updated data categories in the separate Appendix C for ETA Form 9142A, H-2A (Application for Temporary Employment Certification), ETA form 790A (H-2A Agricultural Clearance Order), ETA Form 9142B H-2B (Application for Temporary Employment Certification), Appendix E for ETA Form 9035, (Labor Condition Application for Nonimmigrant Workers), Appendix F for ETA9142C CW-1 (Application for Temporary Employment Certification). Currently VIBE does not ingest or store DOL ETA 9141/9141C data. *Available at* <https://www.dhs.gov/privacy-impact-assessments>.





case number and will display them in VIBE in the original DOL format as issued in the Foreign Labor Application Gateway system. USCIS expects to deploy the capability to connect to the DOL Datahub in late 2021.

VIBE began ingesting DOL Employment and Training Administration 9089 Foreign Labor Certification data in 2021. The DOL Employment and Training Administration 9089 data categories shared with USCIS are specified in the Memorandum of Agreement. The DOL Employment and Training Administration 9089 information ingested from the DOL system will be displayed in a newly designed VIBE User Interface (UI) which will mirror the format of the existing DOL Employment and Training Administration 9089. The USCIS Immigration Service Officer will be able to access the DOL Employment and Training Administration 9089 information via (1) a manual search of the DOL Employment and Training Administration 9089 case number or (2) the VIBE Status Report for employment-based Form I-140s (Immigrant Petition for Alien Workers) under visa classifications E21 (member of professions holding an advanced degree or an undocumented worker of exceptional ability with the exception of National Interest Waiver petitions); E31 (skilled worker); E32 (professional worker); and EW3 (unskilled/other worker). This capability has been developed in the same manner as the process of accessing the existing DOL Employment and Training Administration forms without any changes.

### **Adding Commonwealth of the Northern Mariana Islands-Only Transitional Worker visa classification**

VIBE added the Commonwealth of the Northern Mariana Islands-Only Transitional Worker visa classification in April 2020. The Form I-129 CW, *Petition for a Commonwealth of the Northern Mariana Islands-Only Nonimmigrant Transitional Worker*, and its Commonwealth of the Northern Mariana Islands-Only Transitional Worker visa classification allows employers in the Commonwealth of the Northern Mariana Islands to apply for permission to employ foreign (nonimmigrant) workers who are otherwise ineligible to work under other nonimmigrant worker categories. The Commonwealth of the Northern Mariana Islands-Only Transitional Worker classification provides a method for transition from the former Commonwealth of the Northern Mariana Islands foreign worker permit system to the U.S. immigration system. USCIS decided to use VIBE as an adjudicative and fraud detection tool to validate the business entities in the Commonwealth of the Northern Mariana Islands as a result of the Northern Mariana Islands U.S. Workforce Act of 2018, which extended the Commonwealth of the Northern Mariana Islands-Only Transitional Worker program through December 31, 2029, and required Commonwealth of the Northern Mariana Islands-Only Transitional Worker petitioners to apply for a temporary labor certification from DOL before filing for employment authorization with USCIS for employment start dates in 2020 and beyond. Commonwealth of the Northern Mariana Islands-Only Transitional Worker petitioners must apply for the temporary labor certification using DOL Form ETA 9142C. Form I-129CW



petitions are run in VIBE under the existing process for all I-129 visa classifications without any changes.

### **E-Verify integration**

E-Verify, authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA),<sup>15</sup> is a web-based service that allows enrolled participants to electronically confirm the identity and employment eligibility of their new employees to work. E-Verify is a voluntary program, but participants may be required to enroll in and use E-Verify as a condition of entering into a federal contract or subcontract that contains the Federal Acquisition Regulation E-Verify clause or as a condition of receiving certain federal benefits and grants.<sup>16</sup> E-Verify participation is also a business licensing or state contracting condition under some state laws. Finally, in some instances, employers may be required to participate in E-Verify because they are part of the Executive Branch or Legislative Branch of government, or as a result of a court order.

E-Verify is a DHS program administered by the USCIS Verification Division and operated in collaboration with the Social Security Administration (SSA). E-Verify confirms identity and employment eligibility of newly hired employees and, in some cases, current employees. This is accomplished by electronically matching information provided by employees on Form I-9, Employment Eligibility Verification,<sup>17</sup> against records available to the SSA and DHS.

The H-2A program is governed by 8 CFR 274a.12(b)(21), which grants up to 120 days of continued work authorization for extension of stay/change of employer petitions *if* the new employer is enrolled and in good standing in E-Verify, as determined by USCIS. However, currently USCIS does not input the corresponding E-Verify Employer ID in CLAIMS 3 or ELIS for H-2A cases. Therefore, the E-Verify information will not be used in VIBE for the H-2A program at this time.

DHS issued an Interim Final Rule (IFR) that went into effect on June 18, 2020, that requires Commonwealth of the Northern Mariana Islands-Only Transitional Worker employers to enroll in E-Verify with respect to all their hiring sites in the Commonwealth and elsewhere in the United States, and be a participant in good standing in the program as determined by USCIS.<sup>18</sup> The Interim

---

<sup>15</sup> IIRIRA §§ 401-05, codified at 8 U.S.C. § 1324a note.

<sup>16</sup> As of January 15, 2009, the Federal Acquisition Regulation requires certain federal contractors and subcontractors to use E-Verify to confirm employment eligibility for employees under certain contracts and new hires during the period of those contracts. See 48 CFR § 52.222-54. In addition, the following federal regulations and programs include E-Verify conditions, 8 CFR 214.2(f)(10)(ii)(C)(5) (OPT STEM Extensions); 8 CFR 214.2(f)(11)(i)(C) (OPT STEM Ext. Application); 8 CFR 214.2(w)(1)(vii)(E), (xii)(CW-1); 8 CFR 274a.12(b)(6)(iv)(OPT STEM Ext. EAD); 8 CFR 274a.12(b)(21) (H-2A); IRS Publication 1075 (rev. 11/16) (access to federal tax information); USCIS Citizenship and Assimilation Grants (<https://www.uscis.gov/citizenship/civic-assimilation/learn-about-the-citizenship-and-assimilation-grant-program>).

<sup>17</sup> Form I-9, Employment Eligibility Verification, is available at <https://www.uscis.gov/i-9>.

<sup>18</sup> Codified at 8 CFR 214.2(w)(1)(vii)(E) and (xii).



Final Rule also updated the Form I-129 CW, *Petition for Commonwealth of the Northern Mariana Islands-Only Nonimmigrant Transitional Workers*, to include new data fields capturing the employer's name as listed in E-Verify and the employer's E-Verify Company Identification Number (CID). Both fields are currently input into CLAIMS 3 upon receipt of the Form I-129 CW, *Petition for a CNMI-Only Nonimmigrant Transitional Worker*, based on the Interim Final Rule. VIBE will ingest the employer's E-Verify Company Identification Number from CLAIMS 3 as part of the VIBE Status Report for Form I-129CW petitions. VIBE will also provide a manual search capability to allow the Immigration Service Officers to access the E-Verify data based on the employer's E-Verify Company Identification Number.

USCIS will begin building a data connection between VIBE and the E-Verify system. The new interface between the two systems will allow VIBE to match the employer's name as listed in E-Verify and E-Verify Company Identification Number against the E-Verify system, and retrieve the E-Verify Company Identification Number along with the employer's name, employer's "doing business as" (DBA) name, if any, E-Verify Enrollment Date, E-Verify Status, E-Verify Termination Date, if applicable, employer business address, employer TAX ID Number, and Employer North American Industry Classification System (NAICS) codes to verify that the employer is in good standing in the E-Verify program. Whenever the Commonwealth of the Northern Mariana Islands-Only Transitional Worker receipt number is refreshed in VIBE, VIBE will refresh the E-Verify interface to retrieve the latest E-Verify case status. The automated refresh function is to ensure that VIBE retrieves and displays the most up-to-date information to the users.

### **VIBE Modernization**

The VIBE architecture and platform being replaced are outdated, unsupportable, and inflexible. To improve the VIBE data integrity, availability, and end-user experience, VIBE requires a system modernization effort. The new version of VIBE, VIBE Plus, has added more dynamic functions to improve the overall program efficiency, thus supporting future missions and goals for the agency. The new "Google Maps" capability has been embedded into VIBE Plus as part of the VIBE Status Report. "Google Maps" function allows Immigration Service Officers to virtually inspect the employer's claimed business location, either by a Street View, if available, or a pinpoint on the map. VIBE Plus also enables a responsive web site which can be resized and reformatted to fit the dimension for mobile devices. This advanced functionality will allow USCIS users to use VIBE on government-issued mobile devices. It will also enable users to configure the layout of certain sections of the site per their preference by moving panels. It is intended to expand the VIBE usage beyond workstations and assist USCIS officers off-site in accessing VIBE information in a timely manner.



## **ELIS integration for H-2A E-processing**

To meet and support e-processing goals for the H-2A program, certain petitions filed for the H-2A visa classification have been processed in the USCIS ELIS system since July 2020. The new interface built between ELIS and VIBE allows VIBE to ingest H-2A petition data from ELIS at the point of data entry. The USCIS Immigration Service Officer uses VIBE to validate information about the employers who file the H-2A petitions while ELIS is the H-2A petition data source for VIBE. The H-2A data elements ingested from ELIS to VIBE are the same data elements that VIBE currently ingests from the CLAIMS 3 system. All existing function of running VIBE Status Reports for the H-2A program remains the same. All H-2A petitions will be fully transitioned to ELIS in 2021 based on the implementation of the new I-129 standalone H-2A form. The H-2A petitioning data elements from ELIS are as follows:

- Receipt number and date;
- Service Center;
- Petitioning entity's name, including organization/company's business name or individual employer's last name and first name;
- Petitioning entity's physical address or mailing address;
- Federal Employer Identification Number (FEIN) and/or Individual Internal Revenue Service (IRS) Tax Number;
- H-2A joint employer names and addresses (if applicable);
- DOL Employment and Training Administration Case Number;
- Adjudicative status;
- Visa type;
- Record timestamp;
- Any associated receipt numbers for up to three years of previous filings;
- Attorney or accredited representative's last name and first name;
- Attorney or accredited representative's licensing authority (state) and bar number;
- Attorney or accredited representative's firm name;
- Attorney or accredited representative's firm address; and
- The total number of workers requested, and total number of workers approved.



## Privacy Impact Analysis

### Authorities and Other Requirements

The legal authority for VIBE does not change with this update. Section 103 of the Immigration and Nationality Act (INA) provides the legal authority for VIBE.<sup>19</sup> DHS and DOL signed a new Memorandum of Agreement regarding the employment-based benefit request form, labor certification, and labor condition application data on July 30, 2020, and supersedes the 2017 Memorandum of Agreement and 2019 Addendum.

The following System of Records Notices (SORN) continue to cover the collection, maintenance, and use of information in VIBE:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records,<sup>20</sup> which covers the employment-based benefit request form, supplemental evidence, and decision notices;
- DHS/USCIS-006 Fraud Detection and National Security Records,<sup>21</sup> which covers the cases referred to Center Fraud Detections Operations for administrative inquiry and identified as benefit fraud; and
- DHS/USCIS-007 Benefits Information System,<sup>22</sup> which covers the review of employment-based immigration benefit request forms.

As part of the Enterprise Service Bus 2 (ESB 2) Modernization effort, VIBE will be supported by the Enterprise Gateway and Integration Services (EGIS) system.<sup>23</sup> Enterprise Gateway and Integration Services is a general support system and includes integrated subsystems within its accreditation boundary. The Enterprise Gateway and Integration Services Authority to Operate (ATO) is pending the adjudication and publication of the Enterprise Gateway and Integration Services Privacy Impact Assessment.

The National Archives and Records Administration (NARA) approved the VIBE data retention schedule (DAA-0566-2017-0029) on August 13, 2019. Records maintained in VIBE will

---

<sup>19</sup> INA § 103, 8 U.S.C. § 1103.

<sup>20</sup> See DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, 82 Fed. Reg. 43556 (Sept. 18, 2017) available at <https://www.dhs.gov/system-records-notices-sorns>.

<sup>21</sup> See DHS/USCIS-006 Fraud Detection and National Security (FDNS) Records, 77 Fed. Reg. 47411 (Aug. 8, 2012) available at <https://www.dhs.gov/system-records-notices-sorns>.

<sup>22</sup> See DHS/USCIS-007 Benefits Information System, 84 Fed. Reg. 54622 (Oct. 10, 2019), available at <https://www.dhs.gov/system-records-notices-sorns>.

<sup>23</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES PRIVACY IMPACT ASSESSMENT FOR THE ENTERPRISE GATEWAY AS INTEGRATION SERVICES SYSTEM (EGIS), DHS/USCIS/PIA-080, at <https://www.dhs.gov/privacy-impact-assessments>.





be destroyed 50 year(s) after an entity, practitioner, or address from a known fraud list is placed into VIBE, or when no longer needed for business reasons, whichever is longer.

This update does not impact the Paperwork Reduction Act (PRA) requirement. However, Service Center Operations will use data from USCIS applications and petitions that are subject to Paperwork Reduction Act and have assigned Office of Management and Budget (OMB) Control numbers listed in the separate Appendix.

### **Characterization of the Information**

To streamline the existing process to identify fraud via VIBE, Service Center Operations is updating VIBE to enable Record of Actions created by the Center Fraud Detections Operations to be stored in VIBE. While the immigration officer conducts the administrative investigation on the known fraud entity and completes the investigation with an Record of Action, it is necessary to conduct system checks to verify the information provided the petitioning entity, the investigation may include but not limited to research in government and commercial database and public records, internet searches of open source information, file reviews, site visits, administrative subpoenas, and request for assistance from law enforcement agencies. Please refer to the DHS USCIS FDNS Privacy Impact Assessment for USCIS FDNS Administrative Investigation.<sup>24</sup> The following information is provided by the Record of Action:

#### ***VIBE Advisory Record of Action Data Elements***

- Fraud Detection and National Security-Data System (DS) Number;
- Company/Organization Name;
- Company/Organization Address;
- Attorney or Accredited Representative's Name and Firm Name;
- Attorney or Accredited Representative's Business Address;
- Attorney or Accredited Representative's Licensing State and Bar Number;
- Receipt Number;
- Fraud Detection and National Security Officer Name;
- Fraud Detection and National Security Office;
- Date of Action;

---

<sup>24</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES PRIVACY IMPACT ASSESSMENT FOR THE FRAUD DETECTION AND NATIONAL SECURITY SYSTEM (FDNS-DS), DHS/USCIS/PIA-013(a), available at <https://www.dhs.gov/uscis-pias-and-sorns>.



- Record of Action Creation Date;
- Type of Action;
- Description of Action (which may contain the result conducted by system checks);
- Previous filings by the petitioning entity or associated filings by the attorney or accredited representative; and
- Photos taken from the business location based on the site visit conducted by the USCIS Immigration Officers if applicable.

### *Dun and Bradstreet Data Elements*

Service Center Operations will use an Independent Information Provider, Dun and Bradstreet, to provide information to VIBE. The following information is provided by the Independent Information Provider:

- D-U-N-S® Number (company unique ID received from the Independent Information Provider);
- Global Ultimate D-U-N-S® Number;
- Global Ultimate company name;
- Global subsidiary (e.g., company hierarchy, parent organizations, subsidiary organizations, and affiliate organizations);
- Foreign relationships;
- Legal Status (e.g., LLC, LLP, Partnership, Sole-Proprietorship, non-profit);
- Trade styles, which are additional names used by a business for advertising or buying purposes;
- Location type (e.g., Branch Office, Subsidiary, Headquarters);
- Type of business;
- Total number of employees employed at a particular location;
- Total number of employees by the petitioning organization worldwide;
- Year established;
- Import/Export business type;
- Number of related entities;



- Number of corroborating sources, which indicates the number of authenticating source types that provide corroboration of a business's identity and existence;
- Tax exempt indicator;
- Year the current owners took control of the organization;
- Annual gross sales volume (modeled, actual, or estimated);
- Payment history of the petitioning organization to include total payments and timeliness of payments;
- Company executive names and titles;
- Business activity indicator, which is an indicator that measures the likelihood that the company is no longer in business. This indicator could be based on, for example, UCC filings or lack of activity;
- A financial risk indicator, which measures the likelihood that the company will cease operations as a going concern within the next 12 months;
- NIXIE Code;
- Latitude;
- Longitude;
- Economic Activity Code;
- Sales Three Year Trend;
- Sales Three Year Percent Growth;
- Employee Three Year Trend;
- Public Private Indicator;
- DIAS Code;
- Population Code;
- Primary SIC Code;
- High Credit;
- Average Credit;
- Secure Filings Indicator;
- Suits/judgements Indicator;



- Claims/Liens Indicator;
- Paydex;
- Financial Embarrassment Indicator;
- Tixie Code;
- Government Contracts Indicator;
- Small Business Indicator;
- Line of Business;
- Criminal Indicator;
- Mailing Addresses;
- Domestic Ultimate DUNS Number; and
- Domestic Ultimate Business Name.

Further, based on a 2020 Interim Final Rule, USCIS Form I-129 CW, *Petition for CNMI-Only Nonimmigrant Transitional Workers*, includes new data fields capturing the employer's name as listed in E-Verify and the employer's E-Verify Company Identification Number. Both fields are currently input into CLAIMS 3 upon receipt of the Form I-129C, *Petition for a CNMI-Only Nonimmigrant Transitional Worker*. VIBE will ingest the employer's E-Verify Company Identification Number from CLAIMS 3 as part of the VIBE Status Report for Form I-129CW petitions. VIBE will also provide a manual search capability to allow the Immigration Service Officers to access limited E-Verify data based on the employer's E-Verify Company Identification Number.

**Privacy Risk:** There is a risk that the information used to update the Record of Action within one year by the Center Fraud Detections Operations employee who reviews the fraud findings is not updated in a timely manner to remove the Record of Action from VIBE if it is no longer warranted.

**Mitigation:** This risk is mitigated. The Record of Action will have a one-year validity period from the date the document was created. The Record of Action creation date is listed on the Record of Action document and will be saved electronically and stored in the VIBE system. There will be a timer set up in the system to alert the Center Fraud Detections Operations as the validity period of the Record of Action expires. The Center Fraud Detections Operations designated personnel will be responsible for updating the Record of Action in a timely manner. If the Record of Action is not warranted after the expiration date due to the underlying fraud investigation being closed or invalidated, the Center Fraud Detections Operations will update VIBE to remove the Record of Action link on the VIBE User Interface (UI). The Record of Action can also be updated



or removed by Center Fraud Detections Operations at any time if there is additional update on the fraud findings due to on-going or routine Fraud Detection and National Security investigation. In addition, the Immigration Service Officer will review the Record of Action in accordance with a strict set of internal procedures. If the underlying Record of Action has expired after the one-year validity period is over or needs to be updated, the Immigration Service Officer will reach out to the Center Fraud Detections Operations for an updated version.

**Privacy Risk:** There is a risk that the underlying fraud findings for known fraudulent entities, addresses, or immigration practitioners that do not warrant Center Fraud Detections Operations review prior to adjudication are not updated in a timely manner.

**Mitigation:** This risk is mitigated. All VIBE known fraudulent entities, addresses or immigration practitioners are requested and vetted by the Center Fraud Detections Operations. USCIS reviews each request and determines whether to take any further action or to decline the referral. USCIS will not deny a petition solely based upon information from VIBE without first giving the petitioning entity or applicant the opportunity to respond directly to the agency's concerns. In any case in which USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioning entity, immigration practitioners, or accredited representatives are given an opportunity to review and rebut the evidence.

**Privacy Risk:** There is a risk that the new data elements updated by the third party (Dun and Bradstreet) may not be updated timely and/or prior to USCIS review and/or retrieval of the information to determine if the provider's information is accurate to combat certain types of benefit fraud.

**Mitigation:** This risk is partially migrated. Currently USCIS has no plan to use these additional data elements in the VIBE system as part of the VIBE Status Report or part of the scoring algorithm. VIBE end-users will not be able to access these data elements and will not impact the Immigration Service Officer's decision making on granting the immigration benefit sought by the petitioner. Only system administrators who have the need to know can access these data elements via the direct access to the VIBE database. The access will be password protected and granted by the VIBE Information System Security Officer (ISSO).

## **Uses of the Information**

USCIS continues to use VIBE to validate the business operations and financial viability of organizations seeking to employ foreign workers; and to identify benefit fraud based on internal information and other government agencies' referrals.

### *DOL Use of USCIS Information*

This update does not impact DOL's use of USCIS information. DOL is responsible for enforcement of labor certification violations and violations of U.S. labor laws. DOL can sanction





employers that fail to comply with those laws and DHS has the authority to bar employers from seeking to bring additional foreign laborers to the United States, if they have been found to be violators by DOL. To determine employer violations, DOL reviews what employers are doing once the foreign worker is employed versus what they promised to do/or claimed they did at the certification/benefit request stage.

### *USCIS Use of DOL Information*

The Department of Labor memorialized its authorization for Department of State (DOS) employees with current read-only VIBE access to obtain DOL data through USCIS' VIBE system, or any successor systems in a Memorandum of Agreement signed July 30, 2020. USCIS grants DOS employees' access to VIBE under a specific DOS read-only user role based on the data-sharing agreement between DOS and DHS dated November 18, 2008. The DOL information available in VIBE will be available to DOS employees via the existing DOS user role.

This update does not impact USCIS' use of DOL information. USCIS will continue to use the information to determine immigration benefit eligibility, which is consistent with USCIS' authorities and mission. Receiving information electronically from DOL also allows USCIS to verify the validity of approved labor certifications when adjudicating employment-based benefit request forms. It also assists USCIS in identifying fraudulent labor certification for fraud detection purposes.

### *E-Verify Integration*

The E-Verify condition for the Commonwealth of the Northern Mariana Islands-Only Transitional Worker classification has been implemented pursuant to the June 18, 2020 DHS Interim Final Rule. The Interim Final Rule also updated the Form I-129CW, *Petition for CNMI-Only Nonimmigrant Transitional Workers*, to include new data fields capturing the employer's name as listed in E-Verify and the employer's E-Verify Company Identification Number. Both fields are currently input into CLAIMS 3 upon receipt of the Form I-129CW, *Petition for a CNMI-Only Nonimmigrant Transitional Worker*, based on the Interim Final Rule. VIBE will ingest the employer's E-Verify Company Identification Number from CLAIMS 3 as part of the VIBE Status Report for Form I-129CW, *Petition for a CNMI-Only Nonimmigrant Transitional Worker*, petitions. VIBE will also provide a manual search capability to allow the Immigration Service Officers to access limited E-Verify data based on the employer's E-Verify Company Identification Number.

USCIS will begin building a data connection between VIBE and the E-Verify system. The new interface between the two systems will allow VIBE to match the employer's E-Verify Company Identification Number against the E-Verify system, and retrieve the E-Verify Company Identification Number along with the E-Verify Enrollment Date, E-Verify Termination Date, employer business address, employer TAX ID Number, and Employer North American Industry



Classification System codes to verify that the employer is in good standing in the E-Verify program. Whenever the Commonwealth of the Northern Mariana Islands-Only Transitional Worker receipt number is refreshed in VIBE, VIBE will also check whether the employer is an E-Verify participant in good standing at the same time to ensure that VIBE always retrieve and display the latest E-Verify information at the time of query.

**Privacy Risk:** There is a risk that inaccurate data is captured within VIBE from the DOL systems and used.

**Mitigation:** This risk is partially mitigated. To ensure the most up to date DOL information is shared with VIBE, the existing DOL Data as a Service (DaaS) provides daily updates to VIBE. Currently, VIBE connects to DOL Data as a Service through a daily data ingestion which may cause the DOL data in VIBE to be potentially delayed by one day. This risk will be fully mitigated by the DOL Datahub solution later this year. DOL Data as a Service ensures the accuracy of the data by collecting the information directly from the DOL source systems, such as iCERT Visa Portal System and Foreign Labor Application Gateway. For data that may be transferred to VIBE through DOL Data as a Service, the data queried from the VIBE User Interface is delivered and displayed in a VIBE template that has been reformatted to standardize the representation of the data. The connection between VIBE and the DOL Datahub is a nearly real-time data transaction. The queried DOL ETA9035, ETA9142A, ETA790A, ETA9142B, ETA9142C, and the associated administrative case records via the DOL Datahub will be transferred and presented in VIBE in its original format. Accuracy checks of the DOL data are conducted at the originating site and are out of the scope of the VIBE system. Additionally, USCIS will not deny a petition solely based upon information from VIBE without first giving the petitioning entity or applicant the opportunity to respond directly to the agency's concerns.

**Privacy Risk:** There is a risk that inaccurate E-Verify data is captured within VIBE from the E-Verify integration and used.

**Mitigation:** This risk is partially mitigated. By integrating with a new E-Verify back-end service, USCIS is able to reduce this risk. The data queried from the VIBE User Interface is delivered and displayed in the VIBE Status Report as a separate E-Verify section that will be reformatted to standardize the representation of the E-Verify data. The connection between VIBE and the E-Verify service is a nearly real-time data transaction.

## Notice

This Privacy Impact Assessment Update provides general notice to individuals to identify VIBE updates. USCIS continues to provide notice to individuals through Privacy Notices on immigration benefit request forms and the associated System of Records Notices. Consistent with DHS's information sharing mission, information covered by the DHS/USCIS-007 Benefits Information System (BIS) System of Records Notice may be shared with other DHS Components



that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/USCIS may share information with the appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in the BIS System of Records Notice. The following Routine Uses of the DHS/USCIS-007 Benefits Information System System of Records Notice permit USCIS to share information with DOL. There are no additional risks associated with notice.

- **D.** To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function;
- **K.** To appropriate federal, state, tribal, and local government law enforcement and regulatory agencies, foreign governments, and international organizations, as well as to other individuals and organizations during the course of an investigation by DHS or the processing of a matter under DHS jurisdiction, or during a proceeding within the purview of the immigration and nationality laws, when DHS deems that such disclosure is necessary to carry out its functions and statutory mandates to elicit information required by DHS to carry out its functions and statutory mandates; and
- **Y.** To the Department of Labor for enforcement of labor certification violations and violations of U.S. labor laws.

### **Data Retention by the Project**

The National Archives and Records Administration has already approved the retention schedule DAA-0566-2017-0029 for VIBE. According to the approved retention schedule, records will be destroyed 50 year(s) after an entity, practitioner, or address from a known fraud list is placed into VIBE, or when no longer needed for business reasons, whichever is longer. This retention schedule for VIBE data provides access to information that can be critical to investigating fraud, criminal activity, egregious public safety, or national security concerns for applicants or petitioning entities who may still be receive immigration benefits.

DOL continues to have read-only direct access to VIBE and will not maintain any VIBE data in their systems. VIBE continues to retrieve labor certification data on a daily basis via DOL Data as a Service or retrieve the nearly real-time information from the DOL Datahub and stores that data as a repository to match with USCIS employing data when the employer files employment-based benefit request forms. USCIS users can also query the labor certification data via the VIBE “DOL ETA Lookup” function to access the most recent labor certification data in real time. The query results will be logged in the VIBE audit log files stored in the Enterprise Gateway and Integration Services common audit database. All VIBE Status Reports and DOL data are stored in the Enterprise Gateway and Integration Services database and will be retained and



disposed of in accordance with VIBE retention schedule. There are no additional risks associated with data retention.

## **Information Sharing**

This PIA Update impacts the external sharing with DOL. The DOL and USCIS Information Sharing Agreement is being updated to include, the DOL ETA Form 9142C, *CW-1 Application for Temporary Employment Certification*, information related to the employment-based Form I-129CW, *Petition for a CNMI-Only Nonimmigrant Transitional Worker*, and the additional administrative case records from their iCERT Visa Portal System and Foreign Labor Application Gateway systems.

DOL and USCIS entered into an information sharing agreement to share labor certification and immigration-related information. USCIS and DOL continue to exchange information through a system-to-system interface. Through this agreement each agency will provide authorized employees read-only access to the relevant systems. DOL uses the USCIS data to assist in: reviews and adjudications of labor condition and certification applications; program integrity actions (such as business compliance with wage, working conditions, and recruitment requirements, audit examinations, supervised recruitment, debarment, and invalidations); and processing enforcement actions to ensure compliance with required wage payments, working conditions, recruitment activities, and hiring practices.

The new data-sharing Memorandum of Agreement between DHS and DOL signed on July 30, 2020, listed the data categories in its appendixes that will be shared among the parties stated in the Memorandum of Agreement. The appendixes also include the administrative case records available from the DOL iCERT Visa Portal System and Foreign Labor Application Gateway systems. The new DOL Office of Foreign Labor Certification Datahub platform will provide the capability for sharing near real-time state of case data for the DOL Employment and Training Administration form types and supporting documents issued from the Foreign Labor Application Gateway system. The Employment and Training Administration forms may be retrieved via VIBE as the original PDF file issued from Foreign Labor Application Gateway. The associated supporting documents may be retrieved in its original formats issued from Foreign Labor Application Gateway, such as PDF, Word, Excel, or JPEG file. Future VIBE development will retrieve labor certification associated documents based on the corresponding DOL Employment and Training Administration case number and will display them in VIBE in the original DOL format as issued in the Foreign Labor Application Gateway system. This capability to connect to the DOL Datahub is expected to be deployed in 2021.

## **Redress**

This update does not impact how access, redress, and correction may be sought. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom



of Information Act (FOIA) request. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with the Freedom of Information Act unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. U.S. citizens and Lawful Permanent Residents (LPR) may also file a Privacy Act request to access their information. If an individual would like to file a Privacy Act or Freedom of Information Act request to view his or her USCIS record, the request can be mailed to the following address:

National Records Center  
Freedom of Information Act/Privacy Act Program  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Persons not covered by the Privacy Act or Judicial Redress Act are not able to amend their records through the Freedom of Information Act. Should a non-U.S. person find inaccurate information in his or her record received through the Freedom of Information Act, they may visit a local USCIS Field Office to identify and amend inaccurate records with evidence.

### **Auditing and Accountability**

USCIS ensures that practices stated in this Privacy Impact Assessment update comply with internal federal, DHS, and USCIS policies, including the USCIS privacy policies, standard operating procedures, information sharing agreements, orientation and training, rules of behavior, and auditing and accountability procedures. The Memorandum of Agreement between USCIS and DOL sets forth the basic mechanisms for the exchange of data and the responsibilities of the parties regarding the use, retention, maintenance, dissemination, destruction, and safeguarding of the data received. There may be occasions when DOL agencies or divisions possess a valid mission need for information exchange pursuant to the Memorandum of Agreement. DOL is authorized to share such information with those DOL agencies and components possessing a documented valid mission need for such information. All VIBE users are appropriately trained, as required by USCIS, prior to gaining access to the system. USCIS Service Center Operations continues to provide all DOL users training prior to receiving access to the system.

### **Responsible Official**

Angela Washington  
USCIS Privacy Officer  
U.S. Department of Homeland Security  
[Angela.Y.Washington@uscis.dhs.gov](mailto:Angela.Y.Washington@uscis.dhs.gov)  
(240) 721-3701





## **Approval Signature**

Original, signed copy on file with the DHS Privacy Office.

---

Lynn Parker Dupree  
Chief Privacy Officer  
U.S. Department of Homeland Security  
(202) 343-1717



## **Appendix A**

### **List of Application, Request and Petition Form Types and Visa Classifications that Are or Will Be Available in VIBE.**

These forms are vetted against the VIBE Known Fraud Entities, Known Fraud Immigration Practitioners, and Known Fraud Addresses Lists.

#### **Form I-129, *Petition for a Nonimmigrant Worker***

Only E-1, E-2\*, CW-1, E-3, H-1B, H-1B1, H-1B2, H-1B3, H-2A, H-2B, H-3, L-1A, L-1B, LZ, Q-1, R-1, TN-1, TN-2<sup>25</sup>)

\*Not including E-2 Commonwealth of the Northern Mariana Islands-only investors

#### **Form I-131, *Application for Travel Document***

#### **Form I-140, *Immigrant Petition for Alien Worker***

Only E12, E13, E21\*\*, E31, E32, EW3, SD1, SR1<sup>26</sup>

\*\*Not including National Interest Waiver petitions

#### **Form I-360, *Petition for Special Immigrant***

#### **Form I-485, Supplement J, Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j)**

#### **Form I-765, *Apply for Employment Authorization***

#### **Form I-821, *Application for Temporary Protected Status***

#### **Form I-821D, *Consideration of Deferred Action for Childhood Arrivals***

---

<sup>25</sup> See the form instructions for more information on the type of classifications under Form I-129, available at <http://www.uscis.gov/sites/default/files/files/form/i-129instr.pdf>.

<sup>26</sup> See the form instructions for more information on the type of classifications under Form I-140, available at <http://www.uscis.gov/sites/default/files/files/form/i-140instr.pdf>.



## Appendix B

### List of Data Elements that Are or Will Be Available in VIBE from USCIS CLAIMS 3, ELIS and E-Verify System

- Receipt number and date;
- Petitioning entity's name, including organization/company's business name and/or individual employer's last name and first name;
- Petitioning entity's physical address or mailing address;
- Federal Employer Identification Number (FEIN) and/or Individual IRS Tax Number;
- H-2A joint employer names and addresses;
- Service Center;
- DOL ETA Case Number;
- Adjudicative status;
- Visa type;
- Record Time-stamp;
- Premium processing indicator;
- H-1B dependent employer indicator;
- Any associated receipt numbers up to 3 years of previous filings;
- Attorney or accredited representative's last and first name;
- Attorney or accredited representative's licensing authority (State) and bar number;
- Attorney or accredited representative's firm name;
- Attorney or accredited representative's firm address;
- Employer's Name as Listed in E-Verify;
- Employer's E-Verify Company Identification Number;
- Employer's E-Verify Client Company Identification Number;
- Employer E-Verify state;
- Employer E-Verify NAICS codes;
- E-Verify enrollment date;
- E-Verify termination date;



**Homeland  
Security**

- Employer TAX ID;
- Employer's address; and
- Employer's Doing Business As (DBA) Name.



## Appendix C

### List of Data Categories that are Available in VIBE from the DOL ETA Forms 9142A, *Temporary Labor Certification Application* (OMB Control Number 1205-0466) and 9142B, *Temporary Employment Certification Application* (OMB Control Number 1205-0509)

#### H-2A Temporary Labor Certification Application

- Type of Employer Application;
- Nature of Temporary Need;
- Employer Information;
- Employer Point of Contact Information;
- Attorney or Agent Information;
- Job Opportunity Information;
- H-2A Labor Contractor Information;
- Declaration of Employer and Attorney/Agent;
- Labor Certification Application Preparer Information;
- Appendix A: Attorney or Agent Declaration;
- Appendix B: Employer Declaration;
- Labor Certification Decision Information; and
- Case status, processing events, and related case management information.

#### H-2A Agricultural Clearance Order<sup>27</sup>

- Agricultural Clearance Order Identifier Numbers;
- Agricultural Clearance Order SOC Code;
- SWA Order Holding Office Contact Information;
- Agricultural Clearance Order Employer Contact Information;
- Type of Agricultural Clearance Order;
- Agricultural Clearance Order Job Offer Information;

---

<sup>27</sup> ETA Form 790 is known as the Agricultural Clearance Order. The form is used in the H-2A visa program by all employers seeking workers to perform agricultural services or labor on a temporary, less than year-round basis through the Agricultural Recruitment System and must be submitted State Workforce Agency (SWA).





- Agricultural Clearance Order Minimum Job Qualifications and Requirements;
- Agricultural Clearance Order Place of Employment Information;
- Agricultural Clearance Order Housing Information;
- Agricultural Clearance Order Provision of Meals Information;
- Agricultural Clearance Order Transportation and Daily Subsistence Information;
- Agricultural Clearance Order Referral and Hiring Instructions;
- Agricultural Clearance Order Additional Material Terms and Conditions of the Job Offer;
- Agricultural Clearance Order Declaration; and
- Case status, processing events, and related case management information.

### **H-2B Temporary Employment Certification Application Data Categories**

- Type of Employer Application;
- Nature of Temporary Need;
- Employer Information
- Employer Point of Contact Information;
- Attorney or Agent Information;
- Job Opportunity Information;
- Job Offer Information;
- Wage Information;
- Labor Certification Application Preparer Information;
- Appendix A: Additional Places of Employment;
- Appendix B: Attorney or Agent Declaration Information
- Appendix C: Foreign Labor Recruiter Information;
- Appendix D: Employer-Client Information;
- Labor Certification Decision Information; and
- Case status, processing events, and related case management information.



## Appendix D

**List of Data Categories that are Available in VIBE from DOL ETA Form 9089, *Permanent Labor Certification Application* (OMB Control Number 1205-0451).**

### **Permanent Labor Certification Application Data Categories**

- Type of Permanent Labor Certification;
- Employer Information;
- Employer Point of Contact Information;
- Attorney or Agent Information;
- Wage Information;
- Job Opportunity Information and Requirements;
- Area of Intended Employment Information;
- Recruitment Information;
- Foreign Worker Information;
- Permanent Labor Certification Preparer Information;
- Labor Condition Statements and Declarations of Foreign Worker, Employer, and Attorney or Agent;
- Labor Certification Decision Information; and
- Case status, processing events, and related case management information.



## **Appendix E**

### **List of Data Categories that Are or Will Be Available in VIBE from DOL ETA Form 9035, *Labor Condition Application (LCA)* (OMB Control Number 1205-0310).**

#### **Labor Condition Application (LCA) Data Categories**

1. Employment-Based Nonimmigrant Visa Information;
2. Temporary Need Information;
3. Employer Information;
4. Employer Point of Contact Information;
5. Attorney or Agent Information;
6. Employment Location;
7. Wage Information;
8. Employer Labor Condition Application Statements;
9. Additional Labor Condition Application Statements\_H-1B ONLY Information;
10. Information regarding H-1B Dependent or Willful Violator ONLY;
11. Employer Public Disclosure Information;
12. Notice of Obligations;
13. Labor Condition Application Preparer Information;
14. Labor Certification Decision Information; and
15. Case status, processing events, and related case management information



## **Appendix F**

### **List of Data Categories that are Available in VIBE from DOL ETA Form 9142C**

***CW-1 Application for Temporary Employment Certification (OMB Control Number 1205-0534).***

#### **CW-1 Application for Temporary Employment Certification**

1. Nature of CW-1 Application;
2. Employer Information;
3. Employer Point of Contact Information;
4. Attorney or Agent Information;
5. Job Opportunity Information;
6. Job Requirements;
7. Place of Employment;
8. Wage Information;
9. Labor Certification Application Preparer Information;
10. Labor Certification Decision Information;
11. Appendix A: Job Contractor: Employer-Client Information;
12. Appendix B: Additional Place of Employment Information; and
13. Appendix C: Employer and Attorney Declaration Information.