

“(ii) when he or the Secretary of Labor makes a finding of fraud or misrepresentation concerning the facts on the petition or any other representation made by the employer before the Secretary of Labor or Secretary of Homeland Security.

“(C) ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall authorize a single level of administrative review with the United States Citizenship and Immigration Services Administrative Appeals Office of a petition denial or termination.

“(d) AUTHORIZATION TO GRANT Y NON-IMMIGRANT VISA—

(1) IN GENERAL.—Consular officer may grant a single-entry temporary visa to a Y nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b), (i)(b1), (i)(c), or (iii) of section 101(a)(15)(H), subparagraph (D), (E), (I), (L), (O), (P), or (R) of section 101(a)(15), or section 214(e) (if United States workers who are able, willing, and qualified to perform such labor or services cannot be found in the United States).

“(2) APPLICANTS FROM CANADA.—Notwithstanding any waivers of the visa requirement under section 212(a)(7)(B)(i)(II), a national of Canada seeking admission as a Y nonimmigrant will be inadmissible if not in possession of—

“(I) a valid Y nonimmigrant visa; or

(II) documentation of a nonimmigrant status, as described in subsection (m).

“(e) REQUIREMENTS FOR ADMISSION.—An alien shall be eligible for nonimmigrant status if the alien meets the following requirements:

“(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation described in section 101(a)(15)(Y)(i) or (Y)(ii).

“(2) EVIDENCE OF EMPLOYMENT OFFER.—The alien's evidence of employment shall be provided in accordance with the requirements issued by the Secretary of State, in consultation with the Secretary of Labor. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

“(3) FEES.—

“(A) PROCESSING FEES.—An alien making an application for a Y nonimmigrant visa shall be required to pay, in addition to any fees charged by the Department of State for processing and adjudicating such visa application, a processing fee in an amount sufficient to recover the full cost to the Secretary of Homeland Security of administrative and other expenses associated with processing the alien's participation in the Y nonimmigrant program, including the costs of production of documentation of evidence under subsection (m).

“(B) STATE IMPACT FEE.—Aliens making an application for a Y-1 nonimmigrant visa shall pay a state impact fee of \$500 and an additional \$250 for each dependent accompanying or following to join the alien, not to exceed \$1500 per family.

“(C) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

“(D) DEPOSIT AND DISPOSITION OF STATE IMPACT ASSISTANCE FUNDS.—The funds described in subparagraph (B) shall be deposited and remain available as provided by section 286(x).

“(E) CONSTRUCTION.—Nothing in this paragraph shall be construed to affect consular procedures for collection of machine-readable visa fees or reciprocal fees for the issuance of the visa.

“(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (includ-

ing a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice.

“(5) APPLICATION CONTENT AND WAIVER.—

“(A) APPLICATION FORM.—The alien shall submit to the Secretary of State a completed application, which contains evidence that the requirements under paragraphs (1) and (2) have been met.

“(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Y nonimmigrant status, the Secretary of State shall require an alien to provide information concerning the alien's—

“(i) physical and mental health;

“(ii) criminal history, including all arrests and dispositions, and gang membership;

“(iii) immigration history; and

“(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government.

“(C) KNOWLEDGE.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

“(i) the alien has read and understands all of the questions and statements on the application form;

“(ii) the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct; and

“(iii) the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(6) MUST NOT BE INELIGIBLE.—The alien must not fall within a class of aliens ineligible for nonimmigrant status listed under subsection (h).

“(7) MUST NOT BE INADMISSIBLE.—The alien must not be inadmissible as a nonimmigrant to the United States under section 212, except as provided in subsection (f).

“(8) SPOUSE OR CHILD OF NONIMMIGRANT.—An alien seeking admission as a derivative Y-3 nonimmigrant must demonstrate, in addition to satisfaction of the requirements of paragraphs (2) through (6)—

“(A) that the annual wage of the principal Y nonimmigrant paid by the principal nonimmigrant's U.S. employer, combined with the annual wage of the principal Y nonimmigrant's spouse where the Y-3 nonimmigrant is a child and the Y nonimmigrant's spouse is a member of the principal Y nonimmigrant's household, is equal to or greater than 150 percent of the U.S. poverty level for a household size equal in size to that of the principal alien (including all dependents, family members supported by the principal alien, and the spouse or child seeking to accompany or join the principal alien), as determined by the Secretary of Health and Human Services for the fiscal year in which the spouse or child's application for a nonimmigrant visa is filed; and

“(B) that the alien's cost of medical care is covered by medical insurance, valid in the United States, carried by the principal Y nonimmigrant alien, the principal Y nonimmigrant's spouse (where the Y-3 nonimmigrant is a child), or the principal Y nonimmigrant alien's employer.

(f) GROUNDS OF INADMISSIBILITY.—

(1) WAIVED GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility as Y nonimmigrant, such alien shall be found to be inadmissible if the alien would be subject to the grounds of inadmissibility under section 601(d)(2).

(2) WAIVER.—The Secretary may in his discretion waive the application of any provision of section 212(a) of the Act not listed in paragraph (2) on behalf of an individual alien

for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a).

(g) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking Y nonimmigrant visa or status unless all appropriate background checks have been completed to the satisfaction of the Secretaries of State and Homeland Security.

(h) GROUNDS OF INELIGIBILITY.—

(1) IN GENERAL.—An alien is ineligible for Y nonimmigrant visa or Y nonimmigrant status if the alien is described in section 601(d)(1)(A), (D), (E), (F), or (G) of the [insert Title of Act].

(2) INELIGIBILITY OF DERIVATIVE Y-3 NON-IMMIGRANTS.—An alien is ineligible for Y-3 nonimmigrant status if the principal nonimmigrant is ineligible under paragraph (1).

(3) APPLICABILITY TO GROUNDS OF INADMISSIBILITY.—Nothing in this subsection shall be construed to limit the applicability of any ground of inadmissibility under section 212.

(i) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—Aliens admitted to the United States as nonimmigrants shall be granted the following periods of admission:

(A) Y-1 NONIMMIGRANTS.—Except as provided in (2), aliens granted admission as Y-1 nonimmigrants shall be granted an authorized period of admission of two years. Subject to paragraph (4), such two-year period of admission may be extended for two additional two-year periods.

(B) Y-2B NONIMMIGRANTS.—Aliens granted admission as Y-2B nonimmigrants shall be granted an authorized period of admission of 10 months.

(2) Y-1 NONIMMIGRANTS WITH Y-3 DEPENDENTS.—A Y-1 nonimmigrant who has accompanying or following-to-join derivative family members in Y-3 nonimmigrant status shall be limited to two two-year periods of admission. If the family members accompany the Y-1 nonimmigrant during the alien's first period of admission the family members may not accompany or join the Y-1 nonimmigrant during the alien's second period of admission. If the Y-1 nonimmigrant's family members accompany or follow to join the Y-1 nonimmigrant during the alien's second period of admission, but not his first period of admission, then the Y-1 nonimmigrant shall not be granted any additional periods of admission in nonimmigrant status. The period of authorized admission of Y-3 nonimmigrant shall expire on the same date as the period of authorized admission of the principal Y-1 nonimmigrant worker.

“(3) SUPPLEMENTARY PERIODS.—

(Each period of authorized admission described in paragraph (1) shall be supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work-site and, except where such period of authorized admission has been terminated under subsection (j), a period of 14 days following the period of employment for the purpose of departure or extension based on subsequent offer of employment, except that—

(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

(B) the total period of employment, including such 14-day period, may not exceed the maximum applicable period of admission under paragraph (1).

(4) EXTENSIONS OF THE PERIOD OF ADMISSION.—