

(A) IN GENERAL.—The periods of authorized admission described in paragraph (1) may not, except as provided in subparagraph (C)(2) of paragraph (1), be extended beyond the maximum period of admission set forth in that paragraph.

(B) EXTENSION OF Y-1 NONIMMIGRANT STATUS.—Y-1 nonimmigrant described in paragraph (1)(A) who has spent 24 months in the United States in Y-1 nonimmigrant status may not seek extension or be readmitted to the United States as Y-1 nonimmigrant unless the alien has resided and been physically present outside the United States for the immediate prior 12 months.

(5) LIMITATION ON ADMISSION.—

(A) Y-1 NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-1 nonimmigrant status for a period of two years under paragraph (1)(B), or as the Y-3 nonimmigrant spouse or child of such Y-1 nonimmigrant, may not be readmitted to the United States as Y-1 or Y-3 nonimmigrant after expiration of such period of authorized admission, regardless of whether the alien was employed or present in the United States for all or part of such period.

(B) Y-2B NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-2B nonimmigrant status may not, after expiration of the alien's period of authorized admission, be readmitted to the United States as Y nonimmigrant after expiration of the alien's period of authorized admission, regardless of whether the alien was employed or present in the United States for all or only part of such period, unless the alien has resided and been physically present outside the United States for the immediately preceding two months.

(C) READMISSION WITH NEW EMPLOYMENT.—Nothing in this paragraph shall be construed to prevent Y nonimmigrant, whose period of authorized admission has not yet expired or been terminated under subsection (j), and who leaves the United States in a timely fashion after completion of the employment described in the petition of the nonimmigrant's most recent employer, from reentering the United States as Y nonimmigrant to work for new employer, if the alien and the new employer have complied with all applicable requirements of this section and section 218B.

(6) INTERNATIONAL COMMUTERS.—An alien who maintains actual residence and place of abode outside the United States and commutes, on days the alien is working, into the United States to work as Y-1 nonimmigrant, shall be granted an authorized period of admission of three years. The limitations described in paragraphs (3) and (4) shall not apply to commuters described in this paragraph.

“(j) TERMINATION.—

(1) IN GENERAL.—The period of authorized admission of a Y nonimmigrant shall terminate immediately if:

(A) the Secretary of Homeland Security determines that the alien was not eligible for such Y nonimmigrant status at the time of visa application or admission;

(B) (i) the alien commits an act that makes the alien removable from the United States 2317;

(ii) the alien becomes inadmissible under section 212 (except as provided in subsection (f)); or

(iii) the alien becomes ineligible under subsection (h);

(C) the alien uses the documentation of his or her Y nonimmigrant status issued under subsection (m) for unlawful or fraudulent purposes;

“(D) subject to paragraph (2), the alien is unemployed within the United States for—

(i) 60 or more consecutive days;

“(ii) in the case of a Y-1 nonimmigrant, an aggregate period of 120 days, provided that

the alien's 14-day period to lawfully depart the United States shall not be considered to begin until the date that the alien has been provided notice of the termination; or

“(iii) in the case of a Y-2B nonimmigrant, an aggregate period of 30 days, provided that the alien's 14-day period to lawfully depart the United States shall not be considered to begin until the date that the alien has been provided notice of the termination;

“or;

“(E) the alien is a Y-3 nonimmigrant whose spouse or parent in Y-1 nonimmigrant status is an alien described in subparagraphs (A), (B), (C), or (D).

“(2) EXCEPTION.—The period of authorized admission of a Y nonimmigrant shall not terminate for unemployment under subparagraph (1)(D) if the alien submits documentation to the Secretary of Homeland Security that establishes that such unemployment was caused by—

“(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

“(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by employer policy, State law, or Federal law; or

“(C) any other period of temporary unemployment that is the direct result of a force majeure event.

“(3) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under paragraph (1) shall be required to leave the United States immediately and register such departure at a designated port of departure in a manner to be prescribed by the Secretary.

“(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (m) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

“(k) VISITS OUTSIDE THE UNITED STATES.—

(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a Y nonimmigrant—

“(i) may travel outside of the United States; and

“(ii) may be readmitted for a period not more than the remaining time left until the alien accrues the maximum period of admission set forth in subsection (i), and without having to obtain a new visa if:

“(A) the period of authorized admission has not expired or been terminated;

“(B) the alien is the bearer of valid documentary evidence of Y nonimmigrant status that satisfies the conditions set forth in subsection (m); and

“(C) the alien is not subject to the bars on extension or admission described in subsection (1).

“(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the most recent period of authorized admission in the United States.

“(1) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted Y nonimmigrant status if—

“(A) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 265;

“(B) the alien is inadmissible as a nonimmigrant, except for those grounds previously waived under subsection (f); or

“(C) the granting of such status would allow the alien to exceed limitations on stay in the United States in Y status described in subsection (i).

“(m) EVIDENCE OF NONIMMIGRANT STATUS.—Each Y nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

“(1) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

“(2) shall, during the alien's authorized period of admission under subsection (i), serve as a valid entry document for the purpose of applying for admission to the United States—

“(A) instead of a passport and visa if the alien—

“(i) is a national of a foreign territory contiguous to the United States; and

“(ii) is applying for admission at a land border port of entry; and

“(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

“(3) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

“(4) shall be issued to the Y nonimmigrant by the Secretary of Homeland Security promptly after such alien's admission to the United States as a nonimmigrant and reporting to the employer's worksite under subsection (q) or, at the discretion of the Secretary of Homeland Security, may be issued by the Secretary of State at consulate instead of a visa.

“(n) PERMANENT BARS FOR OVERSTAYS.—

(1) IN GENERAL.—Any Y nonimmigrant who remains beyond his or her initial authorized period of admission is permanently barred from any future benefits under the immigration laws, except—

“(A) asylum under section 208(a);

“(B) withholding of removal, under section 241(b)(3); or

“(C) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(2) EXCEPTION.—Overstay of the authorized period of admission may be excused in the discretion of the Secretary where it is demonstrated that:

“(A) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

“(B) the alien has not otherwise violated his Y nonimmigrant status.

“(o) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—

(1) ILLEGAL ENTRY.—Any alien who after the date of the enactment of this section, unlawfully enters, attempts to enter, or crosses the border, and is physically present in the United States after such date in violation of the immigration laws, is barred permanently from any future benefits under the immigration laws, except as provided in paragraph (3) or (4).

(2) OVERSTAY.—Any alien, other than a Y nonimmigrant, who, after the date of the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is barred for a period of ten years from any future benefits under the immigration laws, except as provided in paragraph (3) or (4).

(3) RELIEF.—Notwithstanding the bar in paragraph (1) or (2), an alien may apply for—

“(A) asylum under section 208(a);

“(B) withholding of removal under section 241(b)(3); or

“(C) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(4) EXCEPTION.—Overstay of the authorized period of admission may be excused in