

Selective Service

Purpose

This document establishes the policy and related procedures regarding Selective Service registration requirements for participation in Workforce Innovation and Opportunity Act (WIOA) funded services.

References

- WIOA (Public Law 113-128) Section 189 (h)
- EDD Workforce Services Directive WSD15-06, Selective Service Registration
- Title 50 United States Code “Military Selective Service Act,” Appendix 453
- Training and Employment Guidance Letter (TEGL) 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs (May 16, 2012)
- TEGL 8-98, Selective Service Registration (November 4, 1998)

Background

Males who are subject to the registration requirements of the Military Selective Service Act (MSSA) must have complied with these requirements to be eligible for participation in WIOA funded programs and services. Under WIOA Section 189 (h), the U.S. Secretary of Labor is required to ensure that each individual participating in a WIOA program, or receiving any assistance under WIOA Title I, has not violated Section 3 of the Military Selective Service Act. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday.

Policy & Procedures

All programs and services established or receiving assistance under WIOA Title I must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Department of Labor (DOL). They do not apply to programs funded or solely authorized by the Wagner-Peyser Act.

Selective Service Registration Requirements

Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including, their 26th birthday.

This includes the following males:

- U.S. citizens.
- Veterans discharged before their 26th birthday.
- Non-U.S. citizens, including undocumented immigrants, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. prior to their 26th birthday.
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

Selective Service registration is not required for the following male U.S. citizens:

- Males who are serving in the military on full-time active duty.
- Males attending the service academies.
- Disabled males who were continually limited to a residence, hospital, or institution.

- Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.
- Male veterans discharged after their 26th birthday.

Selective Service registration is not required for the following male non-U.S. citizens:

- Non-U.S. males who entered the U.S. for the first time after their 26th birthday.
- Acceptable forms of supporting documentation include the following:
 - Date of entry stamp in passport.
 - I-94 with date of entry stamp on it.
 - Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. presented in conjunction with documentation establishing the male's age.
- Non-U.S. males who entered the U.S. illegally after their 26th birthday. They must provide proof that they were not living in the U.S. from age 18 through 25.
- Non-U.S. males on a valid non-immigrant visa.

Note that the requirement for transsexual, transgendered, and intersex individuals to register with the Selective Service depends upon the gender recorded on their birth certificate. According to the Selective Service website, "Individuals who are born female and have a gender change are not required to register. U.S. citizens or immigrants who are born male and have a gender change are still required to register."

The above list of Selective Service registration requirements is not exhaustive. Additional information regarding these requirements, including a quick reference chart (Attachment A) showing who must register, can be found on the Selective Service website.

Acceptable Documentation

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirements.

Acceptable documentation to determine a person's eligibility for WIOA Title I programs include the following:

- Selective Service acknowledgement letter.
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his 26th birthday.
- Screen printout of the Selective Service Verification site. For males who already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service registration card.
- Selective Service verification form (Form 3A).
- Stamped post office receipt of registration

Procedures

Local Workforce Development Areas have the responsibility for verifying compliance with the Military Selective Service Act (MSSA) for the purpose of determining eligibility for WIOA services. Decisions are to be made on a case-by case basis. As such, the following procedures apply:

Registration Requirements for Males under 26

Before being enrolled in WIOA-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service

website. If a male turns 18 while participating in WIOA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

Non-Registration by Males 26 and Older

Occasionally, males, who were subject to Selective Service System (SSS) registration, did not register and are now beyond their 26th birthday, apply for assistance from the WIOA program.

Grantees, subgrantees or contractors, funded or authorized by WIOA Title I, must establish a policy for those potential participants who are 26 or older that failed to register with the Selective Service.

This policy may either request a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register or initiate the process to determine if the potential participant's failure was knowing and willful without first requesting a Status Information Letter.

Before enrolling in WIOA-funded services, all males 26 and older must provide one of the following:

- Documentation showing they were not required to register.
- If they were required to register, documentation establishing that their failure to register was not knowing or willful

If the individual believes they were not required to register, the individual may obtain a Status Information Letter from the Selective Service before the LWIOA can determine if the failure to register was knowing and willful. If the Status Information Letter indicates that an individual was not required to register for Selective Service, then he is eligible to enroll in a WIOA-funded service.

If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. At this point, the individual, with assistance from Registration Staff if needed, will complete the questions contained on the Selective Service Determination form. The purpose of this form is to establish consistency in implementing the selective service requirement. The individual should be encouraged to offer as much evidence/documentation and in as much detail as possible to support his case.

The final determination will be documented in writing, include supporting documentation, and the applicant's signature to verify the accuracy of the information provided.

If it is determined that the evidence shows the individual's failure to register was knowing and willful, WIOA services must be denied. Applicants denied services must be advised of the available grievance procedures.

Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in the "Acceptable Documentation" section of this directive must obtain a Status Information Letter from the Selective Service indicating whether they are required to register. The Status Information Letter Request form and instructions can be accessed through the Selective Service website. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, or military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

In keeping with the Selective Service System website (Attachment B), NOVA will not require Status Information Letters in certain circumstances, as listed below:

- 1. Non-U.S. male who came into this country for the first time after his 26th birthday**

Acceptable documentation: Date of entry stamp in his passport, I-94 with date of entry stamp on it, or a letter from the U.S. Citizenship and Immigration Services (UCSIS) indicating the date the man entered the United States. If the man entered the U.S. illegally after his 26th birthday, he must provide proof that he was not living in the U.S. from age 18 through 25. Resident Alien Card (Green Card) is not valid as proof of the date of entry to the United States

2. Non-U.S. male on a valid non-immigrant visa

For example, if the man entered the United States as an F-1 student visa and remained in that status until his 26th birthday, he would need to provide documentation indicating he was admitted on an F-1 visa and attended school full-time as required. Acceptable documentation for this situation include a copy of his I-20 form or letter from the school he attended indicating his full-time attendance as a non-immigrant alien. The same thing applies for all non-immigrant statuses

3. A male born prior to 1960

Acceptable documentation: Official government issued document showing date of birth such as state ID card, driver's license, passport, birth certificate.

4. A veteran

For men over age 26 who failed to register, active duty U.S. military service is compelling evidence that their failure to register was not knowing or willful. Acceptable documentation: A copy of the DD-214, 'Certificate of Release or Discharge from Active Duty', showing military services in the armed forces-other than the reserve forces, the Delayed Entry pool, and the National Guard.

How to Determine "Knowing and Willful" Failure to Register

If the individual was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he establishes by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIOA funded activities, and is thereby authorized to approve the use of WIOA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIOA funded activities and services until it can be determined that his failure to register was not knowing and willful a determination of knowing or willful failure to register. At this point, the individual, with assistance from Registration Staff if needed, will complete the questions contained on the Selective Service Determination form. The purpose of this form is to establish consistency in implementing the selective service requirement. The individual should be encouraged to offer as much evidence/documentation and in as much detail as possible to support his case.

The final determination will be documented in writing, include supporting documentation, and the applicant's signature to verify the accuracy of the information provided.

If it is determined that the evidence shows the individual's failure to register was knowing and willful, WIOA services must be denied. Applicants denied services must be advised of the available grievance procedures.

Attachment A – Selective Service Who Must Register

| Selective Service - Who Must Register | | NOTE: With only a few exceptions, the registration requirement applies to all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age. | |
|---|------------|---|---|
| Category | YES | NO | |
| All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below: | X | | Must register within 30 days of release unless already age 26. |
| Military Related | | | NOTE: To be fully exempt you must have been on active duty or confined continuously from age 18 to 26. |
| Members of the Armed Forces on (active duty for training does not constitute "active duty" for registration purposes) | | X* | *Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States or reside in the U.S. for at least one year. Habitual residence is presumed and registration is required whenever a national or a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau, resides in the U.S. for more than one year in any status, except when the individual resides in the U.S. as an employee of the government of his homeland; or as a student who entered the U.S. for the purpose of full-time studies, as long as such person maintains that status. |
| Cadets and Midshipmen at Service Academies or Coast Guard Academy | | X* | |
| Cadets at the Merchant Marine Academy | X | | |
| Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University | | X* | |
| ROTC Students | X | | |
| National Guardsmen and Reservists not on active duty/Civil Air Patrol members | X | | |
| Delayed Entry Program enlistees | X | | |
| Separatees from Active Military Service, separated for any reason before age 26 | X* | | |
| Men rejected for enlistment for any reason before age 26 | X | | |
| Immigrants** | | | |
| Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150) | | X | NOTE: Transgender students are welcome to contact Selective Service regarding their registration requirements if they are unclear about how they should answer Question 21 or Question 22 on the Free Application for Federal Student Aid (FAFSA), or need a status information letter from Selective Service that clarifies whether or not they are exempt from the registration requirement. This can be done by calling our Registration Information Office on 1-888-655-1825. Individuals who have changed their gender to male will be asked to complete a request form for a status information letter and provide a copy of their birth certificate. One exemption letter may be used in multiple school financial aid processes. |
| Permanent resident immigrants (USCIS Form I-551)/Undocumented immigrants | X | | |
| Special agricultural workers | X | | |
| Seasonal agricultural workers (H-2A Visa) | | X | |
| Refugee, parolee, and asylee immigrants | X | | |
| Dual national U.S. citizens | X | | |
| Confined | | | |
| Incarcerated, or hospitalized, or institutionalized for medical reasons | | X* | |
| Handicapped physically or mentally | | | |
| Able to function in public with or without assistance | X | | |
| Continually confined to a residence, hospital, or institution | | X | |
| Gender Change / Transgenders | | | |
| U.S. citizens or immigrants who are born male and change their gender to female | X | | |
| Individuals who are born female and changed their gender to male | | X | |

Attachment B - Exemptions

For Men Born After 1960:

A status information letter from the Selective Service System states the facts: Whether or not the man is registered; whether or not the man should have registered or if he is exempt.

Exemptions – <https://www.sss.gov/Registration/Status-Information-Letter>

There are a few cases when a man is exempt from the registration requirement. Men who are exempt do not have a Selective Service registration number and are in compliance with federal law.

Refer to the [WHO MUST REGISTER](#) page for those who may be exempt.

With very few exceptions, all males between ages 18 and 25 must register with the Selective Service System (SSS) within 30 days of arriving in the United States. This includes U.S. born and naturalized citizens, parolees, undocumented immigrants, legal permanent residents, asylum seekers, refugees, and all males with visas of any kind which expired more than 30 days ago. The few individuals who are exempt from this requirement are those on current non-immigrant visas. A complete list of acceptable documentation for exemption may be found [here](#).



How to Get an Official Response from Selective Service

If you did *not* register with Selective Service, and are now a man 26 years old or older, you may be ineligible for certain federal or state programs and benefits, including U.S. citizenship. Some agencies may ask you to provide an official response from the Selective Service indicating if you were or were not required to register.

Complete a request form for a status information letter available [here](#). You will have to describe, in detail, the circumstances you believe prevented you from registering and provide copies of documents showing any periods when you were hospitalized, institutionalized, or incarcerated occurring between your 18th and 26th birthdays. If you are a non-citizen, you may be required to provide documents that show when you entered the United States. Please include your name, social security number, date of birth, and return address.

You can call Selective Service to receive such a letter, 1-847-688-6888. Your call will be answered by an automated voice processing system. Please refrain from pressing any numbers, and an operator will soon come on the line to assist you.

IMPORTANT: When you get your status information letter from Selective Service, KEEP this important document in your permanent files for future reference. Provide a COPY of your status information letter to submit with your application for student financial aid, employment, security clearance, U.S. citizenship.

No Status Information Letters are Required in Certain Situations

You may ask the agency granting the benefit or financial aid officer processing your loan not to hold up the approval process pending your status information letter from the Selective Service System because there are certain conditions that do not require a man to have a status information letter from Selective Service.

USCIS officers:

In accordance with U.S. Citizenship & Immigration Service (USCIS) Policy Manual - Volume 12 - Part D - Chapter 7, applicants for naturalization who are over age 31 are eligible for naturalization even if they knowingly and willfully failed to register. This is because the applicant's failure to register would be outside of the statutory period during which the applicant must show that he is of good moral character and disposed to the good order and happiness of the United States. Thus a man's failure to register with Selective Service does not make him ineligible for naturalization because he is age 31 or older.

Financial aid officers:

If the man falls within one of the following categories, a status information letter from Selective Service is NOT required if he can provide a copy of supporting documentation proving his case to your satisfaction. For more information, please consult the latest Student Financial Aid Handbook, Volume 1, Chapter 5. To refer to the handbook, please consult the latest [Student Financial Aid Handbook, Volume 1, Chapter 5](#).

Non-U.S. male who came into this country for the first time after his 26th birthday

Date of entry stamp in his passport, I-94 with date of entry stamp on it, or a letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States. If the men entered the U.S. illegally after his 26th birthday, he must provide proof that he was not living in the U.S. from age 18 through 25. Resident Alien Card (Green Card) is not valid as proof of the date of entry to the United States.

Non-U.S. male on a valid non-immigrant visa

For example, if the man entered the United States as an F-1 student visa and remained in that status until his 26th birthday, he would need to provide documentation indicating that he was admitted on an F-1 visa and attended school full-time as required. A complete list of acceptable documentation for exemption may be found [here](#).

A male born prior to 1960

Official government issued document showing date of birth such as state ID card, driver's license, passport, birth certificate.

A veteran

DD-214 or current full-time active duty orders, military ID card. For men over age 26 who failed to register, active duty U.S. military service is compelling evidence that their failure to register was not knowing and willful. These men need to provide a copy of their DD Form 214, 'Certificate of Release or Discharge from Active Duty,' showing military service in the armed forces -- other than the reserve forces, the Delayed Entry pool, and the National Guard.

FINAL DECISION

The agency official handling your case, not the Selective Service System, will determine whether you have shown that your failure to register was not a knowing and willful failure to register. The final decision regarding your eligibility for the benefit that you seek will be made by the agency granting the benefit (for example, for student financial aid, this would be the school's financial aid officer). In some agencies, an appeals process is available.