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# Selective Service Registration

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## PURPOSE

The purpose of this policy is to provide guidance regarding Selective Service registration requirements for all Workforce Innovation Opportunity Act (WIOA) programs and other funded grants administered by Pacific Gateway Workforce Investment Network (Pacific Gateway).

## BACKGROUND

Males who are subject to the registration requirements of the Military Selective Service Act 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 18<sup>th</sup> and 26<sup>th</sup> birthday.

## POLICY

All WIOA Title I programs and services and other funded grants administered by Pacific Gateway must comply with the Selective Service registration requirements.

### A. 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 males who are:

- U.S. Citizens
- Veterans discharged before their 26th birthday
- Non-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 confined 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 26<sup>th</sup> birthday. Acceptable forms of supporting documentation include the following:
  1. Date of entry stamp in his passport
  2. I-94 with date of entry stamp on it
  3. Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. presented along with documentation establishing the male's age
- Non-U.S males who entered the U.S. illegally after their 26th birthday. 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:** The requirement for transsexual, transgendered, and intersex individuals to register with the Selective Service depends upon the gender recorded on their birth certificate. 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 registration requirements can be found on the Selective Service website at [www.sss.gov](http://www.sss.gov). A quick reference chart for "Who Must Register" chart is attached (Attachment A).

#### B. 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
- Form DD-214 "Report of Separation". This should only be used if the veteran was discharged after his 26th birthday.
- Screen printout from the Selective Service Verification website ([www.sss.gov](http://www.sss.gov)). For males 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

#### C. 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 at [www.sss.gov](http://www.sss.gov). 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.

#### D. Non-Registration by Males 26 and Older

Participants who are 26 or older that failed to register with the Selective Service and are now beyond their 26<sup>th</sup> birthday 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 either:

- 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.

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 policy must obtain a Status Information Letter from the Selective Service indicating whether they are required to register, however, some exceptions may apply. The Status Information Letter Request form and instructions can be accessed at the Selective Service website ([www.sss.gov](http://www.sss.gov)). The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

#### E. Status Information Letter

If the Status Information Letter indicates that the 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. All costs associated with grant funded-services provided may be disallowed.

An individual may obtain a Status Information Letter from the Selective Service if one of the following applies:

- The individual believes he was not required to register
- The individual did register but cannot provide the appropriate documentation.

Pacific Gateway 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 26<sup>th</sup> 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 male entered the United States. If the male entered the U.S. illegally after his 26<sup>th</sup> birthday, he must provide proof that he was not living in the U.S. from age 18 through 25. A Resident Alien Card is not valid proof of the date of entry to the U.S.

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

Example, if a man entered the U.S. as an F-1 Student Visa and remained in that status until his 26<sup>th</sup> birthday, he would need to provide documentation indicating he was admitted on an F-1 Student Visa and attended school full-time, as required. Acceptable documentation: A copy of his I-20 form or letter from the school he attended indicating his full-time attendance as a non-immigrant resident. The same applies for all individuals with a non-immigrant status.

3. Males over the age of 26 who failed to register and who served in the U.S. military on full-time active duty is compelling evidence that 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 services, excluding the reserve forces such as the Delayed Entry pool and the National Guard.

#### F. 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. Pacific Gateway WIOA program staff or the WIOA service provider that enrolls individuals in WIOA-funded activities is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

The individual must complete the Pacific Gateway Selective Service Determination Request (Attachment B) explaining why he failed to register and provide supporting documentation. The individual must show by preponderance of evidence that his failure to register was not knowing and willful. The Selective Service Determination Request must be approved by a Program Manager before the participant can be enrolled in a WIOA-funded activity.

#### G. Documentation

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

- Service in Armed Forces: Evidence that a male has served honorably in the U.S. Armed Forces such as a Form DD-214 or his Honorable Discharge Certificate. These documents serve as evidence that his failure to register was not knowing and willful.
- Third Party Affidavits: Affidavits from parents, teachers, employers, doctors and others concerning reasons for not registering may help in making determinations in cases regarding willful and knowing failure to register.

#### H. Model Questions

In order to establish consistency regarding the implementation of the requirement, the following questions may be helpful in determining whether a failure to register is knowing and willful.

In determining whether the failure was “knowing,” the following questions to ask could be:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g. veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 25?
- Does the Status Information Letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful,” the following questions to ask could be:

- Was the failure to register done deliberately and intentionally?

- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

Finally, a participant's claim of ignorance (e.g. "I did not know...") regarding Selective Service registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful. More evidence should be gathered to support his claim.

#### I. Results of Findings

- If it is determined that an individual's failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, WIOA services may be provided.
- If it is determined that evidence shows the individual's failure to register was knowing and willful, WIOA services must be denied.

Individuals denied services must be advised of available WIOA grievance procedures. Documentation related to evidence presented in determinations on Selective Service must be maintained on file.

#### **REFERENCES**

- WIOA (Public Law 113-128) Section 189(h)
- Workforce Services Directive WSD15-06 "Selective Service Registration" (November 3, 2015)
- 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)

#### **INQUIRIES**

For questions or assistance related to this policy, please contact the Pacific Gateway Workforce Investment Network staff at (562) 570-3748.

#### **ATTACHMENT(S)**

- Selective Service – Who Must Register (Attachment A)
- Selective Service Determination Request (Attachment B)

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