

Selective Service Registration Requirements

Introduction

The Workforce Innovation and Opportunity Act (WIOA) 189(h) requires Workforce Development Department (WDD) to make a determination of the Selective Service registration status of all males prior to enrollment in any program or activity funded under Title I-B.

Males must be in compliance with Section 3 of the Military Selective Service Act (MSSA). Section 3 of the MSSA states that it is the duty of every male citizen of the United States and every other male person residing in the United States age 18 through 26 to register with 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, 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.

A youth who becomes 18 years of age while participating in a WIOA program must register with Selective Service within thirty (30) days of his 18th birthday. Registration may be completed On-line at <http://www.sss.gov/regver/Register1.asp>.

A male, under the age of 26, who refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

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

- Showing they were not required to register.
 - Establishing that their failure to register was not knowing or willful, if they were required to register.
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U.S. Citizens not required to register

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.
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Non-U.S. Citizens not required to register

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.
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Transgender, transsexual, and intersex individuals

The requirement for transgender, transsexual, 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. However, U.S. citizens or immigrants who are born male and have a gender change are still required to register.

Selective service verification

The Workforce Development Department verifies the Selective Service registration status of all males prior to enrollment in any WIOA funded program or activity. Acceptable Documentation to determine a person's eligibility for WIOA Title I programs include:

- Selective Service Acknowledgement letter,
 - DD-214 "Report of Separation," (use only if discharged after his 26th birthday),
 - Screen printout of the Selective Service verification site: www.sss.gov,
 - Selective Service Registration Card,
 - Selective Service Verification Form (Form 3A), and/or
 - Stamped Post Office Receipt of Registration.
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Status Information Letter (SIL)

An individual may obtain a Status Information Letter (SIL) from the Selective Service System (SSS) if one of the following applies:

- The individual believes he was not required to register, or
 - The individual did register but cannot provide the appropriate documentation.
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Status Information Letter (SIL), continued

The Request for SIL form and instructions for completing the form are located on the Selective Service website at:

<http://www.sss.gov/instructions.html>

The Workforce Development Specialist (WDS) is responsible for completing a case note when informing the customer to obtain the SIL.

The applicant must submit the SIL and any supporting evidence confirming he did not knowingly and willfully not register for Selective Service **or** the SIL and the Self-Attestation statement explaining why he failed to register.

Upon receipt of the SIL, the WDS will:

- Review the SIL and if the SIL indicates the individual was:
 - Not required to register for the Selective Service, then he is eligible to enroll in a WIOA funded service, or
 - 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 his failure to register was not knowing and willful.
- Case note why the participant failed to register prior to submitting the WIOA application to his/her supervisor/manager for approval, or if the information is sufficient to obtain supervisor approval.

Note: A Self-attestation may **only** serve as sufficient evidence when no other options of documentation or third party corroboration are available.

Knowing and willful failure to register

The individual who was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, may only receive services if he establishes the failure to register was not knowing and willful.

The individual must provide supporting evidence of his circumstances at the time of the required registration and the reason(s) for failure to register. Examples of documentation for making a determination in these situations:

- Service in the 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 concerning reasons for not registering from parents, teachers, employers, doctors, and others may help subrecipients or contractors in making a determination regarding willful and knowing failure to register.
 - Self-Attestation – Signed statement that explains why the individual's failure to register was not knowing and willful.
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Supervisor / Manager responsibility

The WDS will submit the information to his/her supervisor for review and approval. The supervisor/manager at each America's Job Center of California (AJCC) will:

- Evaluate the SIL,
- Review the supporting evidence and Self-Attestation statement.

If after evaluating the evidence, the supervisor/manager determines that a preponderance of the evidence shows the applicant's failure to register was not knowing and willful and the applicant is otherwise eligible, WIOA services may be provided.

The supervisor/manager must complete a case note if approved or the reason why WIOA services are not approved.

Appeal process

Once the supervisor/manager determines the customer's failure to register with Selective Service was knowing and willful and WIOA services are denied the customer may appeal the decision by completing the WIOA Program Complaint and Grievance form (i.e., WIOA 181).

A customer who does not receive a decision from the AJCC within 60 days of filing a complaint, or who is dissatisfied with the decision, may request a review of the complaint by the State Employment Development Department (EDD).

Supporting evidence / justification for not registering

The following are examples of supporting evidence/justification for not registering with Selective Service that may help WDD staff in making a determination:

- Documentation of honorable service in the U.S. Armed Forces:
- Copy of the Form DD 214 attesting to his service, or
- Copy of his honorable discharge certificate.
- Documentation from the Immigration and Naturalization Service that he is a male undocumented immigrant who entered the U.S. on or after attaining his 26th birthday.
- Documentation granting legal status and/or employment authorization from the United States Citizenship and Immigration Services to an undocumented immigrant or lawful seasonal agricultural worker.
- Work permits and/or employment authorization from the USCIS on an immigrant alien, refugee, parolee or asylee, SAWS, or IRCA legalized alien.
- A lawful non-immigrant individual on a visa who is not required to register with Selective Service but is authorized to work in the United States under Section 167(a)(5).
- Third party affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering.

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Other justifications for failure to register

Other possible justifications for an individual's failure to register with Selective Service include a male who:

- Entered the U.S. for the first time within weeks of his 26th birthday with a student or tourist visa or foreign passport who married a U.S. resident and obtained citizenship or right to work status, but was unaware of the MSSA requirement.
 - Was incarcerated at the time Selective Service registration should have occurred.
 - Was incapacitated at the time Selective Service registration should have occurred.
 - Possessed severe mental or physical limitations at the time Selective Service registration should have occurred.
 - Is a conscientious objector due to religious beliefs.
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