

**DECEMBER 8, 2015**

**TO:** All Western Piedmont Workforce Development Area Service Providers  
**SUBJECT:** Selective Service Registration Requirements for WIOA  
**EFFECTIVE DATE:** Immediately  
**EXPIRATION DATE:** Indefinite  
**CONTACT:** Workforce Development Administrator



Wendy Johnson  
Workforce Development Director

## SELECTIVE SERVICE REGISTRATION REQUIREMENTS FOR WIOA

**PURPOSE:** To provide Selective Service registration requirements for the Workforce Innovation and Opportunity Act (WIOA) funded services established by WIOA §189(h), codified at 20 CFR 667.250, and the Military Selective Service Act (50 U.S.C. App. 453), codified at 32 CFR Part 1605. *To rescind WPWDA Policy Statement dated January 21, 2015.*

**BACKGROUND:** **Selective Service Registration Requirements**  
Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18<sup>th</sup> birthday (i.e. 30 days before or 30 days after their birthday.) This includes males who are:

- Citizens of the U.S.;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26<sup>th</sup> birthday; and/or
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies;
- Disabled men who were continually confined to a residence, hospital or institution; and/or
- Men 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 26<sup>th</sup> birthday.

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

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

Acceptable forms of supporting documentation include:

1. Date of entry stamp in his passport;
2. I-94 with date of entry stamp on it; or
3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.

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

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at [www.sss.gov](http://www.sss.gov). The Selective Service System also provides a quick reference chart showing who must register located at <https://www.sss.gov/portals/0/PDFs/WhoMustRegisterChart.pdf> (Attachment A).

### **Ensuring Selective Service Compliance in the Public Workforce System**

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 requirement. Acceptable documentation to determine a person's Selective Service registration status include:

- Selective Service Acknowledgement letter
- Form DD-214 "Report of Separation"
- Screen printout of the Selective Service Verification site: <https://www.sss.gov/Registration/Check-a-Registration/Verification-Form> (Attachment B). For males who have 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

### **PROCEDURE:**

#### **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 26<sup>th</sup> 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 man under the age of 26 refuses to register with the Selective Service, WIOA funded services must be suspended until he registers.

#### **Registration Requirements for Males 26 Years and Over**

Before enrolling in WIOA funded services, all males 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in Section B must obtain a Status Information Letter from Selective

Service indicating whether he was required to register. The Request for Status Information Letter form and instructions can be accessed at <https://www.sss.gov/Portals/0/PDFs/Status.pdf> (Attachment C). The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in WIOA funded service. **If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, 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 to non-eligible individuals may be disallowed.

#### **Determining Knowing and Willful Failure to Register**

If the individual was required but failed to register with Selective Service, the individual may only receive services if they establish by a preponderance of the evidence that the failure to register was not knowing and willful, Attachment D must be completed and submitted to Western Piedmont Workforce Development Area (WPWDA) Program Administrator for approval. WPWDA is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons 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:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to grantees in making determinations in cases regarding willful and knowing failure to register.

In order to establish consistency regarding the implementation of the requirement, WPWDA will consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was “knowing”, WPWDA will consider:

- 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 26<sup>th</sup> 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 26?
- 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”, WPWDA will consider:

- 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?

If WPWDA determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If WPWDA determines that evidence shows that 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. WPWDA will keep documentation related to evidence presented in determinations related to Selective Service.

## 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	
<b>Military Related</b>		
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Off 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	
<b>Immigrants**</b>		
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
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	
<b>Confined</b>		
Incarcerated, or hospitalized, or institutionalized for medical reasons		X*
<b>Handicapped physically or mentally</b>		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X
<b>Gender Change / Transgenders</b>		
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

\*Must register within 30 days of release unless already age 26.

**NOTE:** To be fully exempt you must have been on active duty or confined continuously from age 18 to 26.

\*\*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.

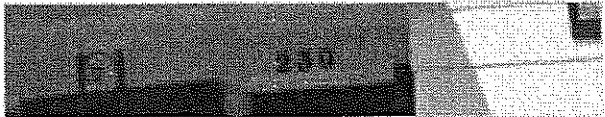


**NOTE:** Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old, were never required to register. Also, immigrants born before 1960, who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

Last Name:

Social Security Number:

 (No dashes or spaces)

Date of Birth:

 (mmddyyyy)




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NON-CITIZEN / UNDOCUMENTED IMMIGRANT:

\* Date you entered the United States for the first time: \_\_\_\_\_  
\* Month / \* Day / \* Year

\* USCIS (formerly INS) status at time of entry: \_\_\_\_\_

\* REQUIRED: List all immigrant status(es) held since entering the country, and give dates:  
(Attach separate sheet if necessary)

_____	to _____	USCIS Status _____
_____	to _____	USCIS Status _____
_____	to _____	USCIS Status _____
_____	to _____	USCIS Status _____

\* Attach copies of supporting documentation (see the included INSTRUCTIONS for details)

TRANSGENDER:

At birth my gender was: \_\_\_\_\_

\* Attach copy of birth certificate

\* REASON WHY YOU FAILED TO REGISTER WITH SELECTIVE SERVICE UPON REACHING AGE 18 AND BEFORE REACHING AGE 26:

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Section 3:

IMPORTANT NOTE: No action can be taken until we receive ALL required information / documentation with an asterisk (\*) are received. You should retain a copy of all documents and correspondence submitted to us.

Print, sign and date, and mail this letter to the address below, together with ALL copies of required documents and all other supporting information you may wish to include.

\_\_\_\_\_  
\* Signature

\_\_\_\_\_  
\* Date

Selective Service System  
ATTN: SIL  
PO Box 94638  
Palatine, IL 60094-4638

## INSTRUCTIONS

### For filling out the "Request for Status Information Letter"

#### SECTION 1:

- **Name (required):** you must provide your complete name, and any other names you have ever used. If you have more than one last name, you must provide both names.
- **Address (required):** you must include your complete mailing address. Forms received without a mailing address will not be processed.
- **Social Security Number (required, if you have one):** If you have a social security number, you must provide it. Also, if you have ever used a different social security number, provide it as well.
- **Date of Birth (required):** This form is only for men born after December 31, 1959, who are 26 years old or older. You must provide your complete date of birth.
- **Daytime Telephone Number:** If possible, provide a telephone number where you can be reached during the day, in case we need to contact you.
- **Email Address:** If possible, provide your email address in case we need to contact you.

#### SECTION 2: (Requires dates and supporting documentation)

This section is for explaining and documenting why you did not register with Selective Service. This section consists of five different parts. You must complete and submit documentation for any and all parts that apply to you.

##### **Military:**

To obtain proof of military service (DD-214, Official Military Personnel File) write to: National Personnel Records Center, GSA, Military Personnel Records Center, 9700 Page Blvd., St. Louis, MO, 63132. Or visit <http://www.archives.gov/veterans/military-service-records>

##### **Incarcerated, institutionalized, hospitalized, or home confined:**

For each instance, provide type of confinement, dates of confinement, and supporting documentation.

##### **Non-Citizen / Undocumented Immigrants:**

If you entered the United States for the first time after your 26th birthday, you must provide documentation to support your claim. Valid documentation includes: entry stamp in your passport, I-94 with entry stamp on it. If you entered the United States illegally after your 26th birthday, you must provide proof that you were not living in the United States from age 18 to age 26. **Please note:** your Resident Alien Card (Green Card) is not proof of entry to the United States.

If you entered the United States as a valid non-immigrant, and remained in that status to your 26th birthday, you must provide documentation to support your claim. For example, if you entered the United States as an F-1 student, and remained in that status until your 26th birthday, you would need to provide documentation indicating that you were admitted on an F-1 visa and attended school full-time as required. (Acceptable documents for this situation include copies of your I-20s or a letter from the school you attended indicating your full time attendance as a non-immigrant). The same thing applies for all non-immigrant statuses. You must explain, if at any point, you violated the terms of your visa, or overstayed your visa and became an undocumented immigrant.

You should provide as much information as possible. We will use the information you provide to determine your registration status.

**Transgender:**

For individuals who have had a gender change. You must indicate what gender you were born as, and attach documentation which indicates this as well.

**Reason why you failed to register with Selective Service upon reaching age 18 and before reaching age 26:**

Provide a written explanation for not registering with Selective Service.

**SECTION 3:**

Sign and date the letter (**required**). Return this letter to the address listed with copies of supporting documents, showing proof and anything else you may wish to include. **IMPORTANT: Do not send original documents**, as they will not be returned. **You should retain a copy of all documents and correspondence submitted.**

**HELPFUL INFORMATION**

- This form is designed to be printed for use, and cannot be submitted online. After printing, complete the form, attach **ALL** supporting documentation, and mail to: Selective Service System, ATTN: SIL, PO Box 94638, Palatine, IL 60094-4638.
- This form is for use only by men born after December 31, 1959, who are not registered and are now 26 years old or older.
- **This form is not a registration form, and by submitting it, you will not be registered.**
- If you feel that you have already registered, verify your registration on our website ([www.sss.gov](http://www.sss.gov)), or call our Registration Information Office at (847) 688-6888 to obtain your Selective Service registration number.
- We will issue a Status Information Letter based on the information you provide. This letter will clarify your status with Selective Service. **KEEP your status information letter from Selective Service in your permanent files for future reference.**
- If you are being denied a right, benefit, or privilege because you are not registered, submit a **copy** of your status information letter from Selective Service and a separate letter in which you explain in the best of your ability the reasons surrounding your failure to register, to the agency administering the right, benefit, or privilege. That agency will make the final determination regarding your eligibility. The Selective Service System does not determine your eligibility for any right, benefit, or privilege.

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**Remember to KEEP your original Status Information Letter in your permanent files.**

**WESTERN PIEDMONT WORKFORCE DEVELOPMENT AREA  
SELECTIVE SERVICE REGISTRATION REQUIREMENT**

The applicant for Workforce Innovation and Opportunity Act (WIOA) services listed below failed to register with the Selective Service System and has passed his 26<sup>th</sup> birthday. The following statements certify that his failure to register was not "knowing and willful".

Answer the following questions:

1. Were you aware of the requirement to register with Selective Service? Yes No
2. If you were aware, were you misinformed about how the requirement applied to you?  
Yes No
3. Explain the reason for your failure to register with Selective Service (use additional sheet if necessary).
4. What date did you learn that you were required to register and what did you do?
5. Where did you live when you were between the ages of 18 and 26?

***My failure to register with the Selective Services System within the required time limits was not "knowing and willful" and was not intended to subvert the selective service process.***

\_\_\_\_\_  
Applicant's Name

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Signature

**Western Piedmont Workforce Development Area Certification**

By the evidence provided in the above statement, the Western Piedmont Workforce Development Area certifies that the applicant may not be denied services based on his failure to register with the Selective Service System.

Donna Gilbert, Western Piedmont Workforce Development Program Administrator

\_\_\_\_\_  
Signature