

## **SELECTIVE SERVICE REGISTRATION VERIFICATION**

- I. Purpose:** To establish a system for verifying Selective Service System (SSS) registration of individuals participating in programs or activities funded under the Workforce Investment Act (WIA) within North Central Counties Consortium (NCCC), who are subject to the Military Selective Service Act (50 U.S.C. App 451 et seq.).
- II. Background:** WIA Section 189(h) requires that all individuals, participating in any programs or activities established under the Act, have not violated Section 3 of the Military Selective Service Act. Training and Employment Guidance Letter 11-11 from the United States Department of Labor provides direction to the Local Workforce Investment Areas (LWIA's) to follow.
- III. References:**
- WIA Section 189(h)
  - Title 20 CFR 667.250
  - DOL TEGL 11-11, Change 1, Subject: Selective Service Registration
  - Military Selective Service Act, Section 3
  - WSD12-08, Selective Service Registration

**IV. PROCEDURE:**

NCCC's Selective Service Registration Verification Procedure shall ensure that individuals applying for WIA services, who are required to register with the Selective Service System (SSS), have complied and registered prior to enrollment. This procedure also outlines the process to assure the SSS registration of male participants who turn 18 during their participation in WIA programs or activities, applicants who failed to register for SSS and applicants whose failure to register for SSS was not knowingly or willful.

Individuals determined to be non-eligible as a result of their non-compliance with Section 189 of the WIA will not be able to participate and/or continue participation in any program or activity funded under the WIA. Program operators must ensure that individuals adhere to the following SSS verification process prior to enrollment or further services in any WIA funded program or activity:

**NOTE:** All SSS verification collected or completed on participants (including those turning 18 after enrollment) shall be filed and maintained in the case file as part of the eligibility documentation. The SSS documentation method shall be noted in the Virtual One Stop (VOS) System.

**A. Applicants for Service:** Males born after 12/31/59 and who are or have been required to register with the SSS (see Attachment I), shall have compliance with such system verified through utilizing one of the following methods prior to enrollment:

- 1) Registration confirmation provided via internet by SSS requires that intake staff access On-Line Verification <http://www.sss.gov/>.
- 2) SSS registration by a WIA uncompensated registrar. (**Applicant may not be registered on or after his 26th birthday**)
- 3) Provision of a SSS acknowledgment letter, registration card, verification form (form 3A) or stamped post office receipt of registration
- 4) DD -214 with separation date indicating they were in the military from age 18-26.

**B. Consortium Participants:** Individuals who turn 18 during their WIA participation shall also have their compliance with the SSS registration requirements verified by the service provider. NCCC will issue monthly reports to the service providers identifying which Consortium participants will be turning 18 during a given month. Individuals are required by the SSS to register within 30 days of turning 18 years old. It is the service provider's responsibility to ensure that participants comply with the SSS requirements. Service providers are to utilize any of the initial verification methods mentioned previously as a means of completing this verification. Participants failing to register with the SSS must be "exited" from the program and will not be able to continue participation in any WIA program or activity.

**NOTE:** Selective Service registration must be updated in VOS once the participant registers.

**C. Applicants Who Failed to Register for SSS:** Male applicants born after 12/31/59 who are 26 years of age or older, and who did not register as required prior to their 26th birthday, shall be allowed to participate in the WIA, if otherwise eligible, should any of the following apply:

- 1) Applicant has received an honorable discharge from the U.S. military, see attached copy of DD-214 Form.
- 2) Applicant/non-U.S. male who did not enter the U.S. for the first time until after he attained age 26. Acceptable forms of supporting documentation include:
  - a. Date of entry stamp in his passport;
  - b. I-94 with date of entry stamp on it; or
  - c. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age.

- 3) Applicant/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.
- 4) Applicant/non-U.S. male on a valid non-immigrant visa.

**NOTE:** The SSS Exempt Status Determination Form (Attachment III/EV21) must be completed and maintained in the case file for this category.

**D. Applicants Whose Failure to Register for SSS was not Knowingly or Willful:**

If none of the conditions noted in item IV.C. have been met, a determination must be made as to whether the individual knowingly and willfully failed to register; please see Attachment II.

**NOTE:** The SSS Exempt Status Determination Form (Attachment III/EV 21) must be completed and maintained in the case file for this category. All determination criteria must be case noted including the Status Information letter and evidence that shows they did not knowingly or willfully fail to register.

**NOTE:** If the service provider determines that evidence shows that the individual's failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures.

**E. Transsexual, Transgendered, and Intersex Individuals:** The requirement for transsexual, transgendered and intersex individuals to register with Selective Service depends upon the gender recorded on their birth certificate. If an individual is recorded as a male, that individual would need to register for Selective Service regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual's birth certificate is later changed to reflect a female identity, that individual would not be required to register.

## Who Must Register

Category	Must Register	Not Required To Register
All male U. S. Citizens born after December 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 the Coast Guard Academy		x*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs**		x*
National Guardsmen and Reservists not on active duty	X	
Delayed Entry Program enlistees	X	
ROTC students	X	
Separatees from Active Military Services, separated for any reason before age 26	x*	
Men rejected for enlistment for any reason before age 26	X	
Civil Air Patrol members	X	
<b>Aliens***</b> Lawful nonimmigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Forms I-94, I-95A, or Border Crossing Documents I-185, I-186, I-1586, or I-444)		x*
Permanent resident aliens	X	
Special (seasonal) agricultural workers (I-688)	X	
Special agricultural workers (I-688A)		x
Refugee, parolee, and asylee aliens	X	
Undocumented (illegal) aliens	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

\* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25.

\*\* Students enrolled at: The Citadel, North Georgia College, Norwich University, and Virginia Military Institute.

\*\*\*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. Habitual residence is presumed whenever a national or a citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the United States for more than one year in any status, except as a student or employee of the government of his homeland.

**Determination of "Knowing and Willful"  
Failure to Register with the Selective Service System**

For male applicants born after 12/31/59 who are 26 years of age or older who did not register as required prior to their 26th birthday and do not meet either criteria of Section IV.C. of this procedure, there must be a determination rendered by the Selective Service System (SSS) as to their SSS Status. This SSS determination must be made prior to enrollment into the WIA program.

**SSS Determination:** The applicant must provide evidence explaining why he failed to register with the SSS. If the SSS determines that a male knowingly and willfully failed to comply with the Military Selective Service Act, he is ineligible for WIA services and may not be enrolled as a participant. If the SSS records are silent on this issue, and the applicant is otherwise eligible, then the service provider must make the determination that there is evidence to show the applicant did not knowingly and willfully fail to register with the SSS per TEGL 11-11. In order to establish consistency regarding this requirement, service providers should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was “knowing”, the service provider should consider:

- Was the individual aware of the requirement to register?
- On what 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 letter to the individual at that address and did not receive a response?

In determining whether the failure was “willful”, the service provider should 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?

Requests for SSS determinations must include the information below or the attached form may be used (Attachment IV).

1. Name;
2. Current mailing address;
3. Date of birth;
4. Social Security number;
5. Daytime telephone number;
6. Statement that he is requesting an advisory opinion under Section 3 of the Military Selective Service Act; and
7. Reasons for not having registered with Selective Service.

Requests for this determination shall be sent to:

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

The SSS has agreed to respond to each request within **90** days of receipt.

**SSS Exempt Status Determination**

This status determination document must be used when male applicants born after **12/31/59** did not register with Selective Service prior to their 26<sup>th</sup> birthday. One of the Exempt categories below must be identified. This form and the back-up documentation must be maintained in the participant's case file.

**NOTE:** When completing box entitled "*Selective Service Registration*" on the WIA Application Form number 3 Exempt must be indicated.

Exempt status determination for \_\_\_\_\_ has been completed per the method noted below:

- Applicant has received an honorable discharge from the U.S. military, see attached copy of DD-214 Form.
- Applicant/non-U.S. male who did not enter the U.S. for the first time until after he attained age 26. Acceptable forms of supporting documentation include:
- Date of entry stamp in his passport;
  - I-94 with date of entry stamp on it; or
  - Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age.
- Applicant/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.
- Applicant/non-U.S. male on a valid non-immigrant visa.
- Applicant has obtained a letter from SSS which states that he was not required to register or was required to register and so complied, or their records are silent on this issue **and** has provided evidence or letter that they did not knowingly or willfully fail to register, see attached copy of evidence and /or letters of determination.

**Service Provider:** \_\_\_\_\_

**Staff Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_