

I. Purpose:

The purpose of the policy is to ensure that all programs and services established or receiving assistance under WIOA Title I complies with the Selective Service registration requirements. The requirements apply to both formula and discretionary grants awarded by the U.S. Department of Labor Employment and Training Administration of WIOA.

II. Background:

Section 189(h) of the Workforce Innovation and Opportunity Act (WIOA) requires that a determination of the Selective Service System (SSS) registration status of all males, be made prior to enrollment in any WIOA Title I funded programs.

III. Instructions:

Selective Service Registration Requirements

Men born on or after January 1, 1960 are required to register with the Selective Service within 30 days of their 18th 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 26th birthday; and/or
- Dual nationals of the U.S. and another country regardless if they live in the U.S.

For U.S. Citizens, Selective Service registration is not required if the man falls into 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 are 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 26th 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 26th birthday.
Acceptable forms of 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 U.S. presented in conjunction with documentation establishing the individual's age.
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from the age of 18-25.

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

This list is not intended to be exhaustive. Please visit the Selective Service website at www.sss.gov for more information about the selective service requirements. The Selective Service System also provides a quick reference chart showing who must register which is attached to this policy.

Ensuring Selective Service Requirements for the Public Workforce System

To participate in a program established by or receiving assistance under Title I of WIOA, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement.

Acceptable Documentation

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> For males who have already registered, this website can be used to confirm their Selective Service number and 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); and/or
- Stamped Post Office Receipt of Registration

Note: The verification must be uploaded to the participant's file in VOS in accordance with the Southeast Tennessee Local Workforce Development Board's *Electronic Case Files Policy*.

Registration for Males Under the Age of 26

Before being enrolled in WIOA Title I-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. Males who will reach their 18th birthday in 30 days or less must register before being enrolled in WIOA Title I-funded services (SSS does not allow access to registration until 30 days before the 18th birthday). If a male turns 18 while participating in applicable services, registration with Selective Service must be completed within 30 days after he becomes 18 in order to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Services, WIOA Title I-funded services must be suspended or denied until he registers.

Registration Requirements for Males 26 Years and Over

Before being enrolled in WIOA Title I-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 acceptable documentation listed above must obtain a Status Information Letter from Selective Service indicating whether he was required to register. The *Request for Status Information Letter* form and the instructions can be accessed at <https://www.sss.gov/Forms>.

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 services. 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 the 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. 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 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 deciding 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.

To establish consistency regarding the implementation of the requirement, grantees should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing", the authorized organization should 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 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 26?

In determining whether the failure was “willful”, the authorized organization 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?

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization 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. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service, such as:

1. Documentation of compliance with the Selective Service registration requirement;
2. Documentation showing, they were not required to register; or,
3. If they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

If authorized personnel determine it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If authorized personnel determine that evidence shows that the individual’s failure to register was knowing and willful, WIA services must be denied.

All documentation related to evidence presented in determinations related to Selective Service must be maintained.

AUTHORIZED BY:

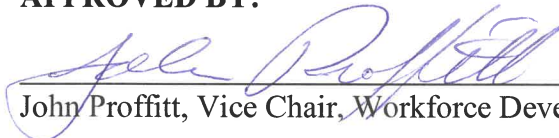


Michele Holt, Director, Workforce Development

6/12/2019

Date

APPROVED BY:



John Proffitt, Vice Chair, Workforce Development Board

6/12/2019

Date

Selective Service Registration Policy; Effective 6.12.12; Revised 6.12.19

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	
Military Related		
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 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 current non-immigrant visas. A complete list of acceptable documentation for exemption may be found at https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf .		X
Permanent resident immigrants (USCIS Form I-551)	X	
Seasonal agricultural workers (H-2A Visa)		X
Refugee, parolee, and asylee immigrants	X	
Undocumented 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
Transgender People		
U.S. citizens or immigrants who are born male and have changed their gender to female	X	
Individuals who are born female and have 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.

LIST OF ACCEPTABLE DOCUMENTS

DO NOT send original documents.

COPIES ONLY

IMMIGRANTS/NONIMMIGRANTS may present a combination of

[One selection from List A AND one from List B] OR [One Selection from List A AND one from List C AND one from List D].

Documents that Establish IDENTITY	Documents that Establish FIRST DATE OF ENTRY into the United States.					
	Documents must cover entire duration in the United States					
		First Date of Entry to U.S. after reaching 26 years of age		First Date of Entry to U.S. was before turning 26 YEARS OLD Provide proof from first entry and any others.		
LIST A	AND	LIST B	OR	LIST C	AND	LIST D
1. Foreign Passport containing photograph, Visa, and U.S. Customs and Border Protection (CBP) Entry stamp.		1. Students on an F or M category U.S. Visa can submit a USCIS I-20 Form.		1. Foreign Passport with U.S. Customs and Border Protection (CBP) Entry stamp.		1. Students on an F or M category U.S. Visa can submit a USCIS Form I-20.
2. USCIS issued Resident Card (Green Card)		2. Nonimmigrants on a U.S. Visas can submit a USCIS I-94 Form with Entry stamp or Electronic I-94 showing First Date of Entry.		2. USCIS Form I-94 with Entry stamp or Electronic I-94 showing First Date of Entry.		2. Certified copy of school records/transcript issued by a school accredited by a U.S. state, jurisdiction or territory. A report card is not accepted.
3. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		3. Official letter from U.S. Citizenship and Immigration Services (USCIS) indicating that the individual's First Date of Entry and lawfully in the U.S. under a valid, nonimmigrant visa status.		3. Boarding passes the individual used to enter the U.S. It must show the Date of Entry/Arrival. (Can only be used if submitting Foreign Passport off of List A)		3. USCIS Form I-797 (A/B/C/D) Notice of Action displaying individual's name. (Depending on the purpose and nature of the form, the I-797 may not be accepted. The I-797 for an I-765 petition is not accepted.)
4. ID Card issued by federal, state, or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		4. Official school letter from school registrar's office indicating that the individual's Enrollment Date and status as an International Student.		4. Official letter from U.S. Citizenship and Immigration Services (USCIS) indicating that the individual's First Date of Entry and lawfully in the U.S. under a valid, nonimmigrant visa status.		4. Official company letter from company's human resource office indicating the individual's employment start date and employment status.
5. Driver's license issued by Canadian government authority		5. Boarding passes the individual used to enter the U.S. It must show the Date of Entry/Arrival. (Can only be used if submitting Foreign Passport off of List A)				5. Those traveling on Department of State issued BCV and in the U.S. more than 30 days, must provide all entry and exit dates.
6. USCIS issued I-766 Employment Authorization Card		6. USCIS Form I-797 (A/B/C/D) Notice of Action displaying individual's name. (Depending on the purpose and nature of the form, the I-797 may not be accepted. The I-797 for an I-765 petition is not accepted.)				
7. Department of State issued Border Crossing Card (BCC).		7. Documentation indicating residence was in another country; outside the United States. Accepted evidence with name and foreign address includes, but not limited to: a) Dated pay slip or vouchers from an employer; b) Certified copy of school records/transcript issued by a school outside the U.S.; c) Photocopies of entry or exit stamps in passport to indicate entry into another country after departing U.S.; d) Dated bank records showing transactions in your home country to indicate you were not in the U.S.				
8. Department of State issued Border Crossing Visa (BCV).						

LIST OF ACCEPTABLE DOCUMENTS

NONIMMIGRANT VISAS CATAGORIES	
A/G – Diplomatic and International Organization Personnel	I – Media Representatives
B – Visitors for Business or Tourism	L – Intracompany Transferees
O – Individuals of Extraordinary Ability or Achievements	J – Exchange Visitor
Q – Cultural Visitor	P – Athletes and Entertainers
E-1/E-2 – Treaty Traders and Treaty Investors	R – Religious Workers
H-1B/E-3 – Special Occupation Workers	TN – NAFTA Professional
H-2 – Temporary Agricultural and Non-Agricultural Workers	K/V – Nonimmigrants Intending to Adjust Status
H-3 – Trainees	F/M – Student; Academic, Vocational

*If you entered the United States with the last five (5) years, you can access your CBP arrival/departure record information (Form I-94) online at

<https://i94.cbp.dhs.gov/i94/#/history-search>.