

WORKFORCE INVESTMENT FIELD INSTRUCTION (WIFI) No. 08-11

DATE: January 9, 2012

TO: Labor Exchange Administrators

Maryland Workforce Investment Act (WIA) Grant Recipients and Subrecipients

SUBJECT: Selective Service Registration Requirements for Workforce Investment Act funded programs.

REFERENCES: Training Employment Guidance Letter (TEGL) 11-11 Change 1, Workforce Investment Act (WIA) 189(h), and Military Selective Service Act (50 U.S.C. App.453).

BACKGROUND INFORMATION:

This directive requires that all grant recipients and sub recipients expending WIA funds shall comply with the federal requirement regarding Selective Service registration requirements. This directive does not add State imposed requirements.

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e., 30 days before or 30 days after their 18th 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 other 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 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 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 was not living in the U.S. from age 18 through 25
 - Non-U.S. Male on a valid non-immigrant visa.

Selective Service Compliance. In order to be eligible to receive WIA-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 includes:

- Selective Service Acknowledgement letter;
- Form DD-214 "Report of Separation;"
- Screen printout of the Selective Service Verification site: www.sss.gov/RegVer/wfVerification.aspx. (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 the date of birth);
- Selective Service Registration Card;
- Selective Service Verification Form (Form 3A); or
- Stamped Post Office Receipt of Registration.

Registration Requirements for Males Under 26. Before being enrolled in WIA-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. If a male turns 18 while participating in WIA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIA-funded services. If a man under the age of 26 refuses to register with Selective Service, WIA-funded services must be suspended until he registers.

Registration Requirements for males 26 Years and Older. Before enrolling in WIA-funded services, all males, 26 years of age or older, must provide documentation of compliance with the Selective Services registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the 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 can be accessed at <http://www.sss.gov/PDFs/infoform.pdf>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, and 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, he is eligible to enroll in WIA-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 WIA-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 service 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 Local Area, or sub grantee which enrolls individuals in WIA-funded activities, is then authorized to approve the use of WIA grant funds, if the Local Area or sub grantee responsible for evaluating the evidence presented by the individual makes a determination as to whether the failure to register was knowing and willful.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstance 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 a Form DD-214 or his Honorable Discharge Certificate. Such documents will be considered sufficient evidence that his failure to register was not willful or knowing; and/or
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc concerning reasons for not registering, may also be helpful to Local Areas and sub grantees in making a determination in cases regarding a willful and knowing failure to register.

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

In determining whether the failure was "knowing," the Local Area or sub grantee 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 the 26th birthday were occasionally told that did not need to register);
- Where did the individual live when he was between the ages of 18 and 26;
- On which date did the individual first learn that he was required to register; and
- Does the Status Information Letter indicate that Selective Service sent letters to the individual at the address and did not receive a response?

In determining whether the failure was "willful," the Local Area or sub grantee 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; and
- What actions, if any, did the individual take when he learned of the requirement to register?

If a Local Area or sub grantee 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, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures.

Authorized organizations must keep documentation related to evidence presented in determination related to Selective Service.

**ACTION TO
BE TAKEN:**

Distribute this guidance to field staff and sub recipients of Workforce Investment Act and Wagner-Peyser funded programs and ensure that they are aware of and comply with this directive.

CONTACT:

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EFFECTIVE:

Immediately

ATTACHMENTS:

Who Must Register Chart www.sss.gov/must.htm



Paulette Francois
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Who Must Register Chart

With only a few exceptions, the registration requirement applies to all male U.S. citizens and male aliens residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after December 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*
National Guardsmen and Reservists not on active duty	X	
Delayed Entry Program enlistees	X	
ROTC Students	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	
Civil Air Patrol members	X	
Aliens**		
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 aliens (USCIS Form I-551)	X	
Special (seasonal) agricultural workers (I-9)	X	
Special agricultural workers (I-9)		X
Refugee, parolee, and asylee aliens	X	
Undocumented (illegal) aliens	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

Information continued on next page

Chart Information Continued:

* 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.

**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 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.

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.