



## **Policy and Procedure**

<b>Title:</b>	Registration for Selective Service	<b>Number:</b>	OP 13-01
<b>Effective Date:</b>	July 25, 2013	<b>Revised:</b>	October 10, 2019

### **Purpose**

It is the policy of the SVWDB to ensure that all male participants, age 18 or older and born after December 31, 1959, have complied with Selective Service Registration requirements, that their situation has been examined, and that a determination has been made as to their eligibility for services from the SVWDB and its contractors. The purpose of this policy is to provide guidance to SVWDB grant staff and SVWDB contractor staff in determining the eligibility for WIOA and other grant services for males who failed to meet the Selective Service registration requirements before their 26<sup>th</sup> birthday, or for whom no documentation of proper registration can be located. It also provides a procedure to determine if non-compliance was "willful and knowing."

### **Reference**

Workforce Innovation and Opportunity Act (WIOA). Section 189(h)  
Virginia Community College System (VCCS) VWL #15-02  
Department of Labor TEGL-11.11, change 2

### **Description**

Potential participants who are males born on, or after, January, 1960 are required register with Selective Service within 30 days of their 18<sup>th</sup> birthday. Almost all males who are 18 through 25 years old are required to register. Guidance from the Selective Service on who must register is available at: <http://www.sss.gov>

### **Procedure**

Males age 18 through 25 must present documentation showing they have complied with Selective Service registration requirements. The Board, and its contractors, shall review this documentation to confirm compliance, or review and document proof of exemption under Selective Service guidelines, as listed in the website referenced above. Males, who are currently required to register but refuse to do so, shall be ineligible for participation in WIOA and other grant activities administered by the SVWDB until they are properly registered. In addition, male participants must register with the Selective Service no later than 30 days after they become 18 in order to continue participating in SVWDB training activities. If they refuse to register, services must be suspended until the participant registers.

Males over the age of 25 must provide documentation of their prior compliance with Selective Service registration requirements, providing proof of registration, or must provide documentation that they were not required to register with Selective Service. In some cases program staff may, at their option, be able to contact the Selective Service directly and obtain the needed documentation.

If a male, born after December 31, 1959 and over the age of 25, cannot provide documentation of compliance, or failed to comply with the Selective Service registration requirements, he must obtain a Status Information Letter from the Selective Service. The form utilized to obtain this Letter is located at: <http://www.sss.gov>. He may obtain this Status Information Letter from Selective Service if he believes he was not required to register or did not register but cannot provide documentation of exemption from the requirement to register. He will need to provide a detailed description of the circumstances that prevented him from registering and provide documentation of those circumstances related to the dates involved. Normally there is a 90 day response time for

these requests. It is the applicant's responsibility to apply for and obtain this Status Information Letter from Selective Service.

If the Status Information Letter indicates he was not required to register, he may be provided services by the SVWDB and its contractors. A copy of the Letter shall be maintained in the participant's file. If, however, the Letter indicates the person was required to register, or if he acknowledges he was required to register, but failed to do so, he is presumed to be ineligible for services until it is determined that this failure was not knowing and willful.

Barring a definitive statement by the applicant that his failure to register was "knowing and willful," a determination must be made in this area. If he was required to register, but did not do so, it is the program applicant's responsibility to establish, by a preponderance of the evidence, that his failure to register was not knowing and willful. Per Selective Service and E.T.A. guidelines, veterans who present documentation of honorable service, such as a DD Form 214, or Honorable Discharge Certificate, shall not be required to provide any additional evidence that the failure was not "knowing and willful." Exclusive of the veteran's circumstances, evidence, such as third party affidavits concerning reasons may be helpful in making a determination of knowing and willful.

The question of "**Knowing**" should consider:

- Was the person aware of the requirement to register?
- Was he aware of the need to register but was misinformed about the applicability of the requirement to him?
- On what date did he first learn of the need to register?
- Where did he live from age 18 through age 25?
- Does the Status Information Letter indicate that the Selective Service sent letter to him at that address, and he did not respond?

The question of "**Willful**" should consider:

- Was the failure to register done deliberately and intentionally?
- Does he appear to have had the mental capacity to choose whether or not to register and decided not to register.
- What actions, if any did they take when they learned of the registration requirement.

With the exception of the veteran's circumstances, the final determination that the failure to register with the Selective Service was not "Knowing and Willful" resides with the Chief Executive Officer, or their designee. SVWDB grant staff, or SVWDB contractor staff, shall forward the documents provided by the applicant and provide an advisory opinion on the determination. Such documentation shall include a copy of the Information Status Letter, a copy of the form requesting the Letter, if available, and any other evidence and attestations by the applicant, or other parties. This material is then submitted to the proper authority. After review of the materials, further questions may arise. It must be emphasized that the program applicant must make a showing by the preponderance of the evidence. The Chief Executive Officer, or their designee shall issue a written decision. Following their determination, the determination letter shall be maintained as a part of the applicant's file, or of the participants' file, depending on the result. If it is determined it was not a willful and knowing failure, and the person is otherwise eligible, services may be provided. If the determination is that the individual's failure to register was knowing and willful, services must be denied. SVWDB grant staff, or SVWDB contractor staff, shall inform the applicant of the result. Although this determination is subject to administrative review by the Chief Executive Officer, the participant has no appeal rights to this decision, unless the circumstances are controlled by other regulatory processes. The applicant shall be made aware of the SVWDB grievance procedure.

### **Exceptions**

It is recognized that on very rare occasions program training and course scheduling cycles may present exigent circumstances necessitating a rapid decision. The expected 90 period between the request and the Selective Service's issuance of a Status Information Letter could cause a participant to miss the window for enrollment in a particular course of study or program, resulting in irreparable

harm to their ability to complete their training in their chosen field. As such, an exception to the procedure above may be sought by SVWDB or contractor staff.

This exception to normal policy procedures may only be granted by the Chief Executive Officer. The applicant shall provide the SVWDB grant staff or the SVWDB contractor staff a copy of their request for a Status Information Letter, along with a letter of explanation. Any unusual circumstances shall be addressed by the applicant, or by staff, indicating the need for an immediate decision and a bypassing of normal procedures. Such an exception to the normal process will only be considered if presented and supported by the SVWDB grant staff or contractor staff. If an exception is granted by the Chief Executive Officer, they will issue a letter granting permission for the applicant to participate on a provisional basis. It is then the responsibility of SVWDB grant staff, or contractor staff, to follow-up and to ensure that the Status Information Letter is received. If the Letter indicates he was not required to register, no further action is required. A copy of the Letter will be placed in the participant's file. If the Letter indicates he should have registered, services must be suspended until the issues of "knowing and willful" have been determined by the procedure delineated above.

Revisions:  
October 10, 2019

# 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 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	
<b>Immigrants**</b>		
Lawful non-immigrants on current non-immigrant visas. A complete list of acceptable documentation for exemption may be found at <a href="https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf">https://www.sss.gov/Portals/0/PDFs/DocumentationList.pdf</a> .		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	
<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>Transgender People</b>		
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.