

Northwest Workforce Council

POLICY AND PROCEDURE DIRECTIVES

EFFECTIVE DATE: July 6, 2001

SUBJECT: Requirements for Selective Service Registration for Individuals
26 Years of Age or Older

REFERENCE #: WIA 01-12

BACKGROUND: The National Defense Authorization Act, signed into law on November 14, 1986, amended the Military Selective Service Act thereby necessitating verification procedures for males 26 years of age or older who were born on or after January 1, 1960.

REVISED POLICY: The following steps must be taken in determining eligibility for participation in WIA:

- 1) For males who are at least 18 years of age but less than 26 years of age: Federal law requires that men born after December 31, 1959 must register with Selective Service within 30 days of their 18th birthday. A male may register up to 120 days prior to his 18th birthday. When a participant has his 18th birthday while enrolled in WIA, registration for selective service must occur. The only men not required to register are nonimmigrant aliens, persons not eligible for WIA, men on active duty in the Armed Forces, including students at the military service academies, and individuals who are unable to register because they are hospitalized, incarcerated, or otherwise institutionalized at the time required to register. Men unable to register must register within 30 days of their discharge or release. Members of the National Guard, Reserve, Civil Air Patrol, ROTC students, armed forces enlistees, and delayed entry program individuals, handicapped or disabled men must register. All aliens, permanent resident status individuals, refugees and parolees, and documented aliens (illegal, dual nationals) must also register.

Alien males born after December 31, 1959, who entered the United States before attaining their 26th birthday, are subject to the registration requirements. Those who entered after attaining their 26th birthday are exempt from the registration requirements. INS Form 1-94 (Alien Registration Receipt Card) commonly called the "Green Card" held by aliens, will show the birth date of the alien.

- 2) For males born on or after January 1, 1960 who have reached their 26th birthday a three-step process should be followed:
 - a) A determination shall be made as to whether the male has complied with Section 3 of the Military Selective Service Act using the same procedures as are used with respect to

males age 18 through 25. If the male has complied, no further action is necessary and an otherwise eligible male may participate in WIA programs.

If the male has not complied, the following determination must be made:

- b) A determination shall be made as to whether the male has received an honorable discharge from the U.S. military service as documented by the individual's military discharge Form DD-214. If the male has an honorable discharge, no further action is necessary and an otherwise eligible male may participate in WIA programs.

If the male does not have an honorable discharge, the following determination must be made:

- c) A determination must be made as to whether the male has a visible or obvious disability that would permanently disqualify him from military service. If a male has such a disability, no further action is necessary and an otherwise eligible male may participate in the WIA program. A notation of the type of disability observed should be made on the verification form. Such disabling conditions include:
 - i) Total paralysis of the limbs
 - ii) Total sensory impairment, i.e. blind, deaf
 - iii) Other acceptable visible and obvious disabilities that would prevent military service.

If the male does not meet any of the above conditions, the following procedure must be followed:

- d) Determination of Whether an Applicant Knowingly and Willfully Failed to Register. The determination of whether a male applicant knowingly and willfully failed to register as required by the Military Selective Service Act shall be made by the WIA system. Where a WIA program determines that a male applicant 26 years of age or older who was born after December 31, 1959, does not meet any of the qualifications contained above, the male should be advised that a registration status information letter is required from the Selective Service before he may be determined eligible to participate in WIA programs.

Males wishing to participate in WIA programs who do not meet any of the above qualifications are to be instructed to send information necessary for registration status information letter to:

The Office of General Counsel
Selective Service System
P.O. Box 94638
Palatine, ILL 60094-4638 or
Call 1(800)688-688 or submit information online at: www.sss.gov

Necessary information consists of:

- 1) The applicant's name;
- 2) The applicant's current address;
- 3) The applicant's date of birth; (optional) the applicant's social security number; (applicants may voluntarily provide this to the Selective Service to aid in differentiating among persons with identical names. The Selective Service does not, however, require this information.
- 4) A statement that the applicant is requesting a registration status information letter under Section 3 of the Military Selective Service Act; and
- 5) The applicant's documentation regarding his reasons for not registering for the draft. The applicant will need to describe, in detail, the circumstances they believe prevented them from registering and provide copies of documents showing any periods when they were hospitalized, institutionalized, or incarcerated between their 18th and 26th birthdays. If they are a non-citizen, they may be required to provide documents that show when they entered the United States.

When the Selective Service provides the "Status Information" letter, the applicant should present it along with a copy of the above information items (a) through (e) to the WIA system and include the official response from Selective Service indicating if they were or were not required to register. When the WIA opinion advises that the male did knowingly and willfully fail to comply with the Military Selective Service Act, the male is ineligible for WIA services and cannot be enrolled. Where the WIA opinion advises that the male did not knowingly and willfully fail to register, may, if otherwise eligible, be determined eligible to participate in WIA programs.