



Registering and Enlisting in the United States Military for Immigrants Frequently Asked Questions (FAQs)

Below are some FAQs about the U.S. Military that cover which immigrants must register with the Selective Service, which are eligible to enlist in the military, and specifically address the requirements for DACA (Deferred Action for Childhood Arrivals) recipients. For more information and updates on DACA, please go to www.uscis.gov/childhoodarrivals and <http://www.ilrc.org/info-on-immigration-law/deferred-action-for-childhood-arrivals>. Thank you to Margaret D. Stock, Counsel to Lane Powell in Anchorage, Alaska for sharing her expertise and helpful comments.

Registering with the United States Selective Service¹

Q: What is the Selective Service Registration?

A: Registration is the process in which an individual provides the Selective Service System with personal information, such as name, address, date of birth, and other related information. The Selective Service registers almost all young men between 18 and 26 and the government keeps this list of names in case there is a national emergency requiring rapid expansion of the Armed Forces. Registering with the Selective Service does NOT mean you are joining or enlisting in the military.

Q: Who must register with the Selective Service?

A: Generally, almost all males² (citizens and non-citizens) living in the United States who are between the ages of 18 and 26 are required to register with the Selective Service. **Undocumented immigrants are included on the list of those who must register with the Selective Service.** Registering with the Selective Service does not mean the male will be automatically inducted or enlisted into the military. The eligibility requirements for registering are separate from the actual ability to enlist in the military.

Q: When must a male register?

A: Men living in the United States are required to register at age 18. Men who enter the United States as immigrants are also required to register if they are between the age of 18 and 26.

Q: Are non-U.S. citizen males required to register?

A: Yes, some are. The general rule is that if a male noncitizen lives in the United States before his 26th birthday, he must register with the Selective Service.

Q: Specifically which non-U.S. citizen males are required to register?

A: Non-U.S. citizens, such as undocumented individuals, legal permanent residents (LPRs), asylum applicants, refugees, and DACA recipients are all required to register with the Selective Service.

¹ For more information on registering with the Selective Service, please visit www.sss.gov.

² Females do not have to register with the Selective Service.

Q: Which non-U.S. citizen males are not required to register with the Selective Service?

A: Men who are in the United States and have maintained lawful nonimmigrant status (e.g., someone who is here temporarily on a tourist visa) the entire time they are 18 through 26 years of age, are **not** required to register with the Selective Service. Tourist visas, student visas, and U visas are all examples of nonimmigrant visas. But, men with non-immigrant statuses are only exempt from registering if they maintained lawful nonimmigrant status since they turned 18 up until they turned 26. If a man's legal nonimmigrant status expires or is revoked before he turns 26, he will probably have to register. Diplomatic and consular personnel and families and seasonal agricultural workers (H-2A visa) are also not required to register.

Q: Are male DACA recipients required to register with the Selective Service?

A: Yes, DACA recipients are required to register. DACA does not confer a lawful nonimmigrant status and recipients are residing in the United States without a lawful nonimmigrant status; accordingly, they are required to register.

Q: Are dual citizen males of the United States and another country required to register?

A: Yes.

Q: Are men who are incarcerated, hospitalized, or institutionalized required to register with the Selective Service?

A: No, men who are incarcerated or hospitalized or institutionalized for medical reasons do not have to register while they are committed. However, they must register within 30 days after being released if they have not yet reached their 26th birthday. Men who are physically and mentally handicapped and are continually confined to a residence, hospital, or institution are also exempt from registering with the Selective Service.

Q: Are male conscientious objectors required to register?

A: Yes, unless they fall under one of the exempted categories listed above. If a draft begins and they are called, they would then have the opportunity to file a claim for exemption from military service based upon their religious or moral objection to war.

Q: Should undocumented immigrant men register with the Selective Service?

A: Yes, they are required to register by law. Additionally, a social security number is not required in order to register with the Selective Service.

Q: What are the consequences of undocumented men not registering with the Selective Service if they were required to do so?

A: It may hurt their chances of obtaining another kind of federal or immigration benefit in the future, such as naturalization, if they don't. Men who fail to register may also be unable to demonstrate "good moral character" for purposes of the DREAM Act, so failure to register may bar them from DREAM Act benefits if the DREAM Act passes and has a "good moral character" requirement in it. Men who fail to register with the Selective Service may also be affected if an immigration reform bill requires men to register in order to adjust their status to that of a lawful permanent resident.

Q: Some men receive a registration reminder card at their home. From where does the Selective Service get their information?

A: The Selective Service gets names and contact information from one of the many lists they use to identify people who may be eligible to register. For example, the Selective Service can obtain names from a driver's license list from a state Department of Motor Vehicles (DMV), a list from a federal or state agency, such as the Department of Homeland Security (which is the umbrella organization under which USCIS falls), Department of Education, the Department of Defense's recruiting list, or from a high school list.

Enlisting in the United States Military

Q: Can non-U.S. citizens join the military?

A: Yes, lawful permanent residents (LPRs) may enlist in the military, but undocumented immigrants cannot. Under the MAVNI (Military Accessions Vital to the National Interest) program, some other lawfully present noncitizens, such as TPS status holders, T and U visa holders, and asylees/refugees, may also join the military.

Q: Can a DACA recipient currently join the military?

A: No, DACA recipients are technically still undocumented immigrants, and thus, cannot currently join the military. However, H.R. 435 (Military Enlistment Opportunity Act of 2013) has been introduced in Congress and if that law passes, DACA recipients will be able to join the military and as a result become lawful permanent residents and/or U.S. citizens.

Q: Will H.R. 435 allow *any* DACA recipient to enlist in the military?

A: No, not all DACA recipients will be eligible to enlist. H.R. 435 will allow DACA recipients to enlist in the military if they are otherwise eligible and meet the other enlistment requirements. The bill does not waive the other military enlistment requirements, such as education, age, physical criteria, etc.

Q: Does H.R. 435 limit what military branch a DACA recipient can join?

A: No, under H.R. 435, DACA recipients can join any branch of the military, such as the Army, Navy, Air Force, Marine Corps, Coast Guard, Reserves, and National Guard.

Q: How will H.R. 435 give DACA recipients a green card?

A: If H.R. 435 passes, it will allow DACA recipients to become lawful permanent residents immediately upon military enlistment through the Registry provisions (under section 249 of the INA).