

The Oversight Project

January 30, 2025

SENT VIA: FOIA@sss.gov

FOIA Officer
Selective Service System
National Headquarters
Arlington, VA 22209-2425
FOIA@sss.gov

We are writing to inform you that the Oversight Project has opened an investigation into whether inadmissible and deportable aliens have been registering for the Selective Service.

As you know, all male aliens living in the United States who are between ages 18 and 26 are required by law in almost all cases to register for the Selective Service.¹ Failure to register is a criminal offense under the Military Selective Service Act.² A conviction for violating the Military Selective Service Act can result in imprisonment for up to five years and/or a fine up to \$250,000.³ The Immigration and Nationality Act makes a conviction for failing to register for the Selective Service a deportable offense.⁴

Your own website makes it clear that illegal aliens are required to register for the Selective Service.⁵ Yet, in the same breath, your website states:

We do not now, or in the past, collect or share any information which would indicate a man's immigration status, either documented or undocumented. Selective Service has no authority to collect such information, ***has no use for it, and it is irrelevant to the registration requirement.*** Consequently, there is no immigration data to share with anyone.⁶

Your website further discusses at length the important role Selective Service plays in ensuring American readiness in a time of crisis and how “high registration rates across the nation serve as the foundation of fairness and equity for full operations, better ensuring that a national draft lottery has the highest level of participation possible.”⁷ Yet your office has apparently refused to collect

¹ See 50 U.S.C. § 3802.

² See 50 U.S.C. § 3811(a).

³ *Id*; see also Selective Service, *Penalties for Failing to Register*, found at <https://www.sss.gov/register/benefits-and-penalties/#:~:text=If%20required%20to%20register%20with,subject%20to%20the%20same%20penalties>.

⁴ See 8 U.S.C. § 1227(a)(2)(D)(iii) (“Any alien who at any time has been convicted (the judgment on such conviction becoming final) of, or has been so convicted in a conspiracy or attempt to violate. . . a violation of any provision of the Military Selective Service Act [50 U.S.C. § 3801 *et seq.*] . . . is deportable.”).

⁵ Selective Service, *Who Must Register*, found at https://www.sss.gov/wp-content/uploads/2024/01/WhoMustRegisterChart_1-16-24-1.pdf.

⁶ Selective Service, *Immigrants and Dual Nationals*, found at <https://www.sss.gov/register/immigrants/> (emphasis added).

⁷ Selective Service, *About the Agency*, found at <https://www.sss.gov/about/>.

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any data on potentially hundreds of thousands of draft-eligible men simply because they are illegal aliens.

We do not advocate for the unrestricted drafting of illegal aliens into our armed forces. These people have flagrantly disregarded American law by virtue of their illegal entry into the United States. But the law is clear, and the law must be applied equally.

In recent years, the United States has seen record levels of illegal immigration. Images from our borders frequently show military aged males from countries spanning the globe entering the United States. Your job is to ensure that they are being registered, not to hide information for preferred political reasons.

According to your 2023 Annual Report to Congress, you received 23,249 electronic registrations from the United States Citizenship and Immigration Services, the entity responsible for *legal* immigration.⁸ Curiously, you report no data for the entities that handle *illegal* immigration such as U.S. Customs and Border Protection, Immigration and Customs Enforcement, or the Office of Refugee Resettlement which handles unaccompanied alien children.⁹ This is a glaring omission since this data was compiled amid the worst border crisis in American history, resulting in over 13 million inadmissible entries, including a large number of military aged males. If male inadmissible aliens between 18 and 26 were registering for the Selective Service, which is usually their duty under law, then your agency would have seen unprecedented increases in registrations over the Biden Administration. The absence of such a surge indicates that there is widespread criminal non-compliance by such aliens.

To help the public fully understand whether there is widespread noncompliance by inadmissible and deportable aliens, in turn potentially making a large class of military-aged males criminal aliens, I respectfully request the following records pursuant to 5 U.S.C. § 552 and the Selective Service's Freedom of Information Act implementing regulations:

1. Records sufficient to show the number of Selective Service registrations taken from U.S. Customs and Border Protection.
2. Records sufficient to show the number of Selective Service registrations taken from U.S. Immigration and Customs Enforcement.
3. Records sufficient to show the number of aliens that entered the United States as unaccompanied alien children who have registered for Selective Service.

⁸ See <https://www.sss.gov/wp-content/uploads/2024/07/Annual-Report-2023-7-11-24.pdf>.

⁹ The Office of Refugee Resettlement only deals with minors. However, dating back to FY 2012, over 60 percent of unaccompanied alien children ("UAC") in in ORR custody on an annual basis are male, and for every year but one in that time period, over 30% of the children in ORR custody were 17 years old and older. See Office of Refugee Settlement, *Fact Sheets and Data*, found at <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>. Once the UAC are placed with sponsors after being in initial ORR custody, many of them go through the immigration court system and they seek to obtain immigration benefits. Therefore, male UACs, once they turn 18, are largely required to sign up for the Selective Service.

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4. Records sufficient to show the number of aliens that entered the United States as unaccompanied alien children who have failed to register for Selective Service.
5. All internal records and communications referring to registering inadmissible aliens, or undocumented immigrants, for Selective Service.
6. Records sufficient to show the total number of draft-eligible inadmissible aliens who have failed to register for Selective Service.
7. Records sufficient to show the total number of draft-eligible inadmissible or deportable aliens who have registered for Selective Service.
8. Records sufficient to show the number of draft-eligible males who have entered the country during the relevant time period and failed to register for Selective Service.
9. Records sufficient to show the number of draft-eligible males who have entered the country during the relevant time period and registered for Selective Service.
10. Records sufficient to show the number of draft-eligible males that have received or have applications pending for the following immigration benefits and have failed to register for Selective Service:
 - a. Immigration parole;
 - b. Temporary Protected Status;
 - c. Deferred Enforced Departure;
 - d. Deferred Action on Childhood Arrivals (“DACA”)
11. Records sufficient to show the number of draft-eligible males that have received or have applications pending for the following immigration benefits and have registered for Selective Service:
 - a. Immigration parole;
 - b. Temporary Protected Status;
 - c. Deferred Enforced Departure;
 - d. Deferred Action on Childhood Arrivals (“DACA”)
12. Records sufficient to show the number of asylum applicants that have registered, or have failed to register for Selective Service.
13. Records sufficient to show the number of aliens in removal proceedings, including administratively closed cases, that have registered or have failed to register for Selective Service.
14. Records sufficient to show the number of aliens with final orders of removal that have registered, or have failed to register for Selective Service.

The time period for this Request is January 20, 2021, to the present.

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To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment or no substantive comment added by any party in the thread.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as 'encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neutral genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized,

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whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc’d or bcc’d, both parties are cc’d or bcc’d, or some combination thereof.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation’s commercial interest. Heritage Foundation’s mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,¹⁰ broadcast media¹¹ (traditional and

¹⁰ Heritage Foundation on X. [@ Heritage] (Accessed: 2025, January 15). 727.3K Followers on X. <https://twitter.com/Heritage>

¹¹ Fox News. (Accessed: 2025, January 15). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

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nontraditional) and press releases.¹²

The requested information is in the public interest because this country has faced significant mass illegal immigration over the past four years. The Second Trump Administration has begun mass deportations of criminal illegal aliens. Failure to register for Selective Service is a felony and thus the pool of potential criminal illegal aliens is much larger than believed. Moreover, an illegal alien's failure to register for Selective Service reflects that they are not coming to America for a better life with a desire to contribute to society. At the end of the day, they seek to illegally obtain the freedoms offered by America while at the very same time violating their legal duty to defend the Country. Every illegal alien who submits an absurd asylum claim, is "paroled", or "gets away" after illegal crossing the border, quite literally seeks to avail themselves of American freedoms on the backs of everyday Americans who complied with their Selective Service registration requirements and if it becomes necessary would defend those freedoms with their lives. These facts go directly to the veracity of claims by President Trump's opponents that illegal aliens are "good people" and contribute to society.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the Daily Signal¹³ (a major news outlet¹⁴), I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts¹⁵ or articles. I also post our distinct work on our Oversight Project social media page.¹⁶ By function, the Oversight Project is primarily engaged in disseminating information to the public. Staff members for the Oversight Project regularly appear in television, radio, print, and other forms of media to provide expert commentary on salient issues in the national debate. I request that you waive all applicable fees associated with this request.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at foia@oversight-project.org.

Sincerely,

Mike Howell

¹² Heritage Foundation. (Accessed: 2025, January 15). Press. <https://www.heritage.org/press>.

¹³ Daily Signal. (Accessed: 2025, January 15). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

¹⁴ Daily Signal on X. [@DailySignal] (Accessed: 2025, January 15). 86.1K Followers on X. <https://twitter.com/DailySignal>

¹⁵ Apple. (Accessed: 2025, January 15). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>

¹⁶ Oversight Project on X. [@OversightPR] (Accessed: 2025, January 15). 104.9k Followers on X. <https://twitter.com/oversightpr>

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Executive Director of the Oversight Project &
Investigative Columnist at The Daily Signal
The Heritage Foundation
214 Massachusetts Ave, NE
Washington, D.C. 20002

cc:

The Hon. Marco Rubio, Secretary of State

The Hon. Pete Hegseth, Secretary of Defense

The Hon. Kristi Noem, Secretary of Homeland Security

Tom Homan, White House Border Czar

Cabe Vitello, Acting Director, Immigration and Customs Enforcement

Rodney Scott, U.S. Customs and Border Protection Commissioner-designate