

KEYWORD: Foreign Influence; Foreign Preference

DIGEST: Applicant’s father, sisters, father-in-law and brother in law are citizens and residents of Iran. His wife is an Iranian citizen residing in the United States. He has been in the United States for over 31 years and a United States citizen for over 21 years. He has no contact with his in-laws, and limited contact with his family. He renounced his Iranian citizenship and destroyed his Iranian passport. He has mitigated security concerns for foreign influence and foreign preference. Clearance is granted.

CASENO: 07-00548.h1

DATE: 09/27/2007

DATE: September 27, 2007

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In Re:	)	
	)	
-----	)	ISCR Case No. 07-00548
SSN: -----	)	
	)	
Applicant for Security Clearance	)	
	)	

**DECISION OF ADMINISTRATIVE JUDGE  
THOMAS M. CREAN**

**APPEARANCES**

**FOR GOVERNMENT**

Daniel F. Crowley, Esq., Department Counsel

**FOR APPLICANT**

Gary Rigney, Esquire

**SYNOPSIS**

Applicant's father, sisters, father-in-law and brother in law are citizens and residents of Iran. His wife is an Iranian citizen residing in the United States. He has been in the United States for over 31 years and a United States citizen for over 21 years. He has no contact with his in-laws, and limited contact with his family. He renounced his Iranian citizenship and destroyed his Iranian passport. He has mitigated security concerns for foreign influence and foreign preference. Clearance is granted.

### **STATEMENT OF THE CASE**

On June 6, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the basis for its decision to deny a security clearance for Applicant. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1990), as amended, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive). The new adjudicative guidelines, promulgated by the President on December 29, 2005, and effective in the Department of Defense for SORs issued after September 1, 2006, will be used to adjudicate this case. Applicant acknowledged receipt of the SOR on June 15, 2007. The SOR alleges security concerns under Guideline B (Foreign Influence), and Guideline C (Foreign Preference) of the Directive.

Applicant answered the SOR in writing through counsel on June 25, 2007. He admitted four and denied one of the factual allegations under Guideline C, and admitted all factual allegations under Guideline B. He provided a detailed explanation of his security worthiness position with his response. He requested a hearing before an administrative judge, and the request was received by DOHA on June 26, 2007. Department Counsel was prepared to proceed with the case on July 24, 2007, and the case was assigned to me on July 26, 2007. A notice of hearing was issued on July 27, 2007, and the hearing was convened on August 23, 2007. One government exhibits and two Applicant exhibits were received without objection. The testimony of five Applicant witnesses, and the Applicant were received during the hearing. The transcript (Tr.) was received by DOHA on September 4, 2007.

### **FINDINGS OF FACT**

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact.

Applicant is a 52-year-old electrical engineer employed by a defense contractor as a test engineer. He was born in Tehran, Iran, completed high school there, and came to the United States in 1977 for a college education. He was initially supported in his education by Iran, but the support ceased in 1979 when the Shah was overthrown. Applicant held different jobs to support himself and complete his education. He received his bachelor's degree in electrical engineer in 1985 from a United States university, and became a United States citizen in 1986. At the time, he changed his name from an Iranian name to a more American sounding name. Applicant is not religious and does not follow religious customs from Iran. He does not observe dietary restrictions or prohibitions

against use of things like alcohol.<sup>1</sup> He completed the compulsory Iranian military duty serving in the medical field before leaving Iran.<sup>2</sup>

Applicant married a United States citizen while in school in 1980 , but his wife was killed in an automobile accident in 1981. He had a daughter by another woman, his common law wife, in 1983. Applicant, his common-law wife, and their daughter lived together for about 13 years until Applicant separated from his family. The child lived with her mother after the separation. He communicates with his daughter who is now a college student.<sup>3</sup>

Applicant has no financial interests in Iran. All of his financial interests are in the United States. He votes in United States government elections.<sup>4</sup> Applicant took the steps to renounce his Iranian citizenship by sending a letter to the Iranian interest section of the Pakistan Embassy in the United States. This is the procedure to renounce citizenship under Articles 41 and 42 of the Iranian Constitution. Applicant just learned of the procedure recently. If he had known about it earlier, he would have submitted the letter earlier. He took this action without reservation and knows he can never go back to Iran.<sup>5</sup> He can think of nothing good about Iran. He knows things are in turmoil in that country.<sup>6</sup>

Upon completion of college and being granted a degree, Applicant went to work for a defense contractor working in missile design and production. He has continued to work for government contractors, mostly in the missile area. Applicant has held a security clearance since 1989. He submitted a security clearance application for a periodic review of his security eligibility in 2004.<sup>7</sup> Applicant has received numerous security briefings and training by his various government contractor employers. Applicant knows to report any attempt to coerce he or his present wife to his company security officer and the Federal Bureau of Investigation (FBI).<sup>8</sup>

Applicant's father and three sisters are citizens and residents of Iran. His father is an 81-year-old retired tailor who never worked for the Iran government. His mother died in 2005. One of his three younger sisters owns a beauty shop, another is a secretary, and the third is a teacher. They are all married but he is not sure of their husbands' occupations. He also has an uncle, a retired tailor, he has spoken to only once in 2000 since he left Iran in 1977. After the fall of the Shah until 2000, he had little contact with his family. He did not have the financial resources to make many calls to his family. Applicant and his family felt he would have to go to jail or fight in the Iran/Iraq war if

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<sup>1</sup>Tr. 80-81.

<sup>2</sup>Tr. 120-121.

<sup>3</sup>Tr. 108-110.

<sup>4</sup>Tr. 94.

<sup>5</sup>Tr. 105-108; Applicant Exhibit A (Letter, dated June 21, 2007).

<sup>6</sup>Tr. 82.

<sup>7</sup>Tr. 81-86, 122-151; *See*, Government Exhibit 1 (Security Clearance Application, dated November 22, 2004).

<sup>8</sup>Tr. 103-105.

he returned to Iran.<sup>9</sup> The family did not want to endanger Applicant's position in the United States.<sup>10</sup> He had pleasant conversations with his family prior to his mother's death in 2005. He did not attend her funeral, because he did not want to jeopardize his life in the United States. His failure to attend her funeral alienated him from his family since he was the oldest son and expected to attend. His contacts with his family since have been minimal, once or twice a year by phone, usually initiated by the family members. They usually leave a message, and he usually responds to them a few months later. He was not proactive in calling them because they are not happy he has alienated himself from the family. His last conversation with them was in March 2007 when they called him for the Persian New Year.<sup>11</sup>

Other than his father and sisters in Iran, the rest of Applicant's extended family is in the United States. He has three aunts who are long time residents and citizens of the United States. They were here when Applicant arrived in 1977. He has a number of cousins who are also citizens and residents of the United States.<sup>12</sup> Applicant's parents visited the United States in 1999 and in approximately 2003. They did not stay with Applicant but with his aunt. He did visit his parents at his aunt's house during their stay.<sup>13</sup>

Applicant admitted that while his mother was alive, he periodically sent his family money to assist with his mother's medical care. The payments total about \$4,000 to \$5,000 per year. He has not sent any money since his mother passed away and does not intend to send money in the future.<sup>14</sup>

Applicant initially entered the United States in 1977 with an Iranian passport on a student visa. Applicant received a United States passport when he became a citizen in 1986. He periodically renewed his Iranian passport because he did not know it was not proper to also hold another country's passport. He last renewed the Iranian passport in 1997. He used his United States passport for all travel other than to Iran. He used the Iranian passport to enter Iran in 2000 and 2001. His latest Iranian passport expired in March 2007 and has been destroyed.<sup>15</sup>

Since he left Iran in 1977, Applicant returned 24 years later, twice in 2000 and once in 2001. Applicant was getting older and wanted a family. His sisters told him they knew of a woman in Iran for him. He visited the woman and her family for two weeks in 2000, and returned later the same year to marry her. He returned again for a few days in 2001 for a more formal wedding. He stayed with his parents while on his visits and his sisters visited him at the home of their parents. He never

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<sup>9</sup>Tr. 112.

<sup>10</sup>Tr. 110-113.

<sup>11</sup>Tr. 136-140.

<sup>12</sup>Tr. 150-152.

<sup>13</sup>Tr. 85-86, 90-92, 107-108, 146-148.

<sup>14</sup>Tr. 92-93, 141-143.

<sup>15</sup>Tr. 110-114, 145-146.

discussed his job with them while in Iran or during telephone calls.<sup>16</sup> Prior to departing on the first trip back to Iran, Applicant informed his facilities security officer of his intentions and plans. The facilities security officer put him in contact with a counter intelligence agent from the FBI. The

agent briefed Applicant on what to expect in Iran and what actions he should take. Upon return from the trip, Applicant was debriefed by the agent.<sup>17</sup>

Applicant's wife testified that she was born in Tehran in 1970 and has a master's degree in clinical psychology from an Iranian university. She did not work in her chosen field in Iran because she refused to follow the Iranian dress code for women. She has been in the United States since 2001, and applied for United States citizenship and expects it to be granted soon. They have a three year old daughter born in the United States who is a United States citizen. His wife's mother died over 20 year ago. Her father is 74 years old and a retired rug merchant who lives in Iran. Her brother is 42 years old and a cabinet maker who lives in Iran. She also has an aunt and uncle in Iran who are a retired orphanage worker and a teacher. She has an aunt and uncle who are residents and citizens of the United States for over 37 years. She was not raised in a religious atmosphere and does not follow Iranian religious rules or customs. She talks to her father about every three months when he calls her. She may initiate about one or two call a year with him. She does not talk often with her brother, probably once or twice a year for holidays. They are not close. She last talked to her father about three months before the hearing. She has no intention of returning to Iran, and intends to renounce her Iranian citizenship when she becomes a United States citizen.<sup>18</sup> Applicant only met his in-laws when he went to Iran in 2000 and 2001. He does not talk to them when either they call or his wife calls them.<sup>19</sup>

Applicant visited Cuba in 1999. His cousin in Canada, whom he had never meet, invited him to visit him and go to Cuba over the Christmas holiday that year. Their travels arrangements were made by a Canadian travel agency. Applicant only had to show his United States passport to enter Cuba. He stated he did not use his Iranian passport to enter Cuba. He did not know at that time that United States citizens could not visit Cuba. Upon his return, he admitted to United States border control agents that he visited Cuba and purchased Cuban cigars. The cigars were confiscated and he paid a fine. He later was assessed a fine for visiting Cuba and spending money. He has paid the fine. He did not include this trip on his security clearance application. He mistakenly believed that

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<sup>16</sup>Tr. 90-93.

<sup>17</sup>Tr. 87-88. Applicant presented three articles on the use of individuals to obtain intelligence for the purpose of establishing for administrative notice purposes that an individual like Applicant returning to his native country can be a source of intelligence. Two of the articles dealt with double agents and had no relevance to the circumstance of Applicant's relationships in Iran. *See*, Court Exhibit IV, Psychology of Treason, 1986, and Court Exhibit V, Observations on the Double Agent, 1962. The third article is more relevant to Applicant's circumstances because it deals with the use of domestic companies, academics, or individuals traveling abroad as intelligence sources. *See*, Court Exhibit VI, Techniques of Domestic Intelligence Collection, 1959. However, even this article is not sufficient to establish any facts that rise to the level to be considered under administrative notice. While not taken for administrative notice, it is noted that travelers abroad can be an important source of intelligence information.

<sup>18</sup>Tr. 152-170.

<sup>19</sup>Tr. 95.

since he paid the fine it did not have to be included. He readily told security agents of the trip.<sup>20</sup>

Applicant is considered security worthy at work. A witness that has a security clearance for over 40 years testified that for the last year he has worked in an area very close to Applicant. He sees Applicant at work on a daily basis but has no outside social contact with him. He knows Applicant follows all security requirements and does not consider Applicant a security risk.<sup>21</sup> Another co-worker, who has held a security clearance for over 18 years, testified the he works closely with Applicant and sees him daily but has no social contact with him outside work. Applicant does not talk about his family members in Iran. Applicant always follows security requirements and is not considered a security risk.<sup>22</sup> Another co-worker testified he is a systems engineer like Applicant and has held a clearance for over 15 years. He sees Applicant on a daily basis but has no social contact with him outside of work. Applicant is security conscious and always follows security requirements and is not a security risk.<sup>23</sup> Another co-worker testified that he has held a security clearance for over 37 years. He has known Applicant for over 20 years. He and Applicant started working together in another location doing classified government work. After that plant closed, he and Applicant went to separate locations. Recently, he and Applicant began again working together. He knows Applicant does not follow strict Islamic religious requirements. Applicant does not indicate any ties to Iran and rarely talks of his family in Iran. He knows Applicant is security conscious and follows all security requirements and believes he is not a security risk.<sup>24</sup>

Iran is a country that has been hostile to the United States since the 1979 revolution that overthrew the former pro-western government. Iran's support for terrorists groups has long concerned the United States. Iran's human rights practices are also a concern for the United States. The Iranian theocratic government has repressed its people, pursued weapons of mass destruction, initiated a nuclear program that may include nuclear weapons, and continues to support terrorism in Iraq and around the world. Iran is known to conduct intelligence operations and economic espionage against the United States. The United States Department of State warns United States citizens, particularly United States citizens of Iranian origin, to consider carefully the risks of travel to Iran. The continued support for terrorism and human rights violations contributed to President Bush's strong criticism of Iran in his 2002 State of the Union message and his designation of Iran as one of the "Axis of Evil." Iran is a nation whose interests are inimical to the United States.

It should be noted that United States citizens are prohibited from traveling to Cuba without specific permission from the State Department.<sup>25</sup>

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<sup>20</sup>Tr. 96-10; Applicant Exhibit B (Letter of fine paid in full, dated November 2, 2004).

<sup>21</sup>Tr. 20-28.

<sup>22</sup>Tr. 28-39.

<sup>23</sup>Tr. 49-60.

<sup>24</sup>Tr. 62-76.

<sup>25</sup>See, Court Exhibit I (Consular Information Sheet, Iran, dated January 8, 2007); and Court Exhibit II (Request for Administrative Notice, dated July 24, 2007, and attached documents).

## POLICIES

The President has “the authority to . . . control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to occupy a position . . . that will give that person access to such information.”<sup>26</sup> Eligibility for a security clearance is predicated upon the applicant meeting the security guidelines contained in the Directive.<sup>27</sup>

The Directive sets out the adjudicative guidelines for making decisions on security clearances. Enclosure 2, amended by the new Administrative Guidelines of the Directive, sets forth the standards for determining eligibility for access to classified information, listing the disqualifying conditions and mitigating conditions to be considered for each guideline. Each clearance decision must be fair, impartial, and a commonsense decision based on the relevant and material facts and circumstances, the whole person concept.

The adjudicative process is an examination of a sufficient period of a person’s life to make an affirmative determination that the person is eligible for a security clearance. An administrative judge must apply the “whole person concept,” and consider and carefully weigh the available, reliable information about the person. An administrative judge should consider: (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual’s age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation of recurrence.<sup>28</sup>

A person granted access to classified information enters into a special relationship with the government. The government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of the applicant.<sup>29</sup> It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must present evidence to establish controverted facts in the SOR that disqualify or may disqualify the Applicant from being eligible for access to classified information.<sup>30</sup> Thereafter, Applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate

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<sup>26</sup>*Department of the Navy v. Egan*, 484 U.S. 518 (1988).

<sup>27</sup>Directive ¶ E2.2.1.

<sup>28</sup>AG 2(a).

<sup>29</sup>*See* Exec. Or. 10865 § 7.

<sup>30</sup>Directive ¶ E3.1.14.

facts.<sup>31</sup> Applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.”<sup>32</sup> The government is under no duty to present evidence to disprove any Adjudicative Guideline mitigating condition, and an Administrative Judge cannot assume or infer that any particular mitigating condition is applicable merely because the government does not present evidence to disprove that particular mitigating condition.<sup>33</sup> “[T]he Directive presumes there is a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability.”<sup>34</sup> “Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security.”<sup>35</sup>

## CONCLUSIONS

I carefully considered all of the factors in evidence and the legal standards discussed above. I reach the following conclusions regarding the allegations in the SOR.

Under Guideline B, foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in the United States interest, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign county in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associate with a risk of terrorism.<sup>36</sup>

Applicant admits his father, three sisters, father-in-law, and brother-in-law are citizens and residents of Iran.<sup>37</sup> His wife is a citizen of Iran, but resides with him in the United States. Applicant in the past has sent his family money each year, and visited Iran in 2000 and 2001. Appellant’s relatives who are citizens and residents of Iran, his visits to see them, and sending them money raises Foreign Influence Disqualifying Condition (FI DC) ¶ 7(a) (Contact with a foreign family member,

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<sup>31</sup>ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002); *see* Directive ¶ E3.1.15.

<sup>32</sup>ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002).

<sup>33</sup>ISCR Case No. 99-0597 (App. Bd. Dec 13, 2000).

<sup>34</sup>ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996) (quoting DISCR Case No. 92-1106 (App. Bd. Oct. 7, 1993))

<sup>35</sup>*Egan*, 484 U.S. at 531; *see* Directive ¶ E2.2.2.

<sup>36</sup>AG ¶ 6.

<sup>37</sup>The SOR alleges as a security concern that Applicant’s mother is also a citizen and resident of Iran. Since Applicant submitted his security clearance application in 2004, his mother has passed away. Therefore, his mother is no longer a security concern as alleged in allegation 2.b. Applicant noted he has an uncle that is a citizen and resident of Iran. The uncle was not alleged as a security concern. If he had been, Applicant has mitigated any security concern because he has had only very limited contact with the uncle in over 30 years. The nature of the relationship will not place Applicant in a position to chose between the interest of the uncle and the United States.



business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion). Each individual contact or activity by itself may not create a heightened risk of foreign influence, but the totality of the contacts and activity does indicate there may be a heightened risk of foreign influence.

In determining if Applicant's family and friend in Iran cause security concerns, I considered that Iran is a country whose interests are inimical to the United States. I considered that Iran has a poor record on human rights and its people do not enjoy basic freedoms. I considered that Iran does engage in economic and other types of espionage, and the Iranian government is willing to use its citizens to target individuals in the United States for intelligence purposes. It is reasonable to consider that Iran would take any action it thinks appropriate to coerce its citizens with relatives in the United States to pressure their United States relatives to provide information against the interest of the United States. While none of the considerations by themselves dispose of the issue, they are all factors to be considered in determining Applicant's vulnerability to pressure or coercion from his family members in Iran.

Applicant and his wife share living quarters, his wife resides in the United States, and has applied for United States citizenship. Since she lives in the United States, she does not by herself create a security concern for Applicant. The security concern raised by Applicant's wife's family are a direct security concern for Applicant. FIDC ¶ 7(d) (Sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion) need not be considered under the circumstances as a separate disqualifying condition merely because Applicant shares living quarters with his wife.

Applicant raised Foreign Influence Mitigating Condition (FI MC) ¶ 8(c) (Contacts and communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation). Applicant talks to his father and sisters only a few times a year, and they usually initiate the calls. He does not initiate calls except for holidays. However, the calls are to or from family members. No matter how much Applicant feels the calls are unpleasant and that he may not want to talk to them, they still talk to each other since they are family members. The discussions and contacts are infrequent but they are not casual. He has only seen his father-in-law and brother-in-law a few times in 2000 and 2001, and does not talk to them. His contact with them is infrequent and casual. This mitigating condition provides security concern mitigation for the contacts with his in-laws but not with his immediate family.

Applicant has raised Foreign Influence Mitigating Conditions (FI MC) ¶ 8(a) (The nature of the relationship with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interest of the United States). Applicant's father is a retired tailor. His sisters work in private businesses as a beauty shop owner, secretary, and teacher. His father-in-law and brother-in-law also work in private industry. His father-in-law is a retired carpet merchant and his brother-in-law is a cabinet maker. Since his mother passed away, he no longer sends his family money. Applicant's information concerning his family members' living conditions, life style, and professions, and his limited contact with them show it is unlikely Applicant will be placed in a position to choose between the interests of his family and the interests of the United States. Applicant has met

his burden to establish that his family in Iran do not present a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. They are ordinary citizens leading normal lives which also does not indicating a heightened risk for exploitation, pressure, or coercion. FIMC ¶ 8(a) applies.

Applicant raised FIMC ¶ 8(b) (There is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the United States interest.) Applicant left Iran while it was under the control of the Shah government. The new government took over and he lost support for his schooling. He knows the present government is so repressive that he did not contact his family for years. He did not return to Iran for over 24 years. When he returned it was not out of a sense of obligation or loyalty to Iran. His lack of obligation and loyalty to Iran was strong enough that it kept him from returning to attend his mother's funeral. He did not return because he did not want to lose his life style in the United States. He only returned three times to meet and marry an Iranian women, his present wife. Their meetings were minimal before they married. He has been in the United States for over 31 years, the overwhelming majority of his adult life. His sense of loyalty is to the United States and the life he has established for himself. He took the additional step of sending a request to Iran to renounce any claim to Iranian citizenship. He no longer can return safely to Iran. FIMC ¶ 8(b) applies.

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he may be prone to provide information or make decisions that are harmful to the interests of the United States.<sup>38</sup> Applicant applied for an Iranian passport after obtaining United States citizenship. He possessed and used that passport to enter Iran in 2000 and 2001. He has established that he did not use his Iranian passport to enter Cuba in 1999. His Iranian passport raises Foreign Preference Disqualifying Condition (FP DC) AG ¶ 10(a) (Exercise of any right, privilege, or obligation of foreign citizenship after becoming a United States citizen or through the foreign citizenship of a family member. This includes but is not limited to: (1) possession of a current foreign passport.) He mitigated the security concerns for foreign preference under Foreign Preference Mitigating Conditions (FP MC) ¶ 11(b) (The individual has expressed a willingness to renounce dual citizenship), and FP MC ¶ 11(e) (The passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.) The Iranian passport is no longer current having expired in March 2007, and it has been destroyed. Applicant showed more than a willingness to renounce his Iranian citizenship. He took the necessary step to renounce his Iranian citizenship by sending a letter to the Iranian interest section of the Pakistan Embassy. Applicant has mitigated security concerns for foreign preference.

I carefully considered all of the circumstances discussed above in regard to disqualifying and mitigating conditions as well as the following factors in light of the "whole person" concept. The "whole person" concept requires consideration of all available information about Applicant, not a single item in isolation, to reach a common sense determination concerning Applicant's security worthiness. Applicant's father and sisters are citizens and residents of Iran. This simple fact alone might be sufficient to raise security concerns over Applicant's vulnerability to coercion, exploitation, or pressure. However, mere family ties with people in a foreign country is not, as a matter of law,

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<sup>38</sup>AG ¶ 9.

disqualifying under Guideline B. Whether an applicant’s family ties in a foreign country poses a security risk depends on a common sense evaluation of the overall facts and circumstances of the family ties. Applicant’s family in Iran, both individually and collectively, are in positions and circumstances that make it unlikely Applicant will be placed in a position to choose between the interests of his family and the interest of the United States, or that he can be exploited, pressured, or coerced because of them.<sup>39</sup> Applicant has been in the United States almost his entire adult life, and a citizen of the United States for over 21 years.<sup>40</sup> His wife and daughter are with him in the United States and his wife has applied to be a United States citizen. His financial assets are in the United States, with none in Iran. His co-worker and his supervisor consider him to be security conscious and not a security risk. He has successfully held a security clearance for almost 20 years. He does not discuss his work with his family or in-laws in Iran.

Applicant’s life story is an example of the success of many immigrants to the United States. He came to the United States early in his life to better himself through education, and became a United States citizen. His wife came to the United States for the same reason and hopes to be a successful professional. Their daughter was born in the United States. The family enjoys a typical United States life style with no vestiges of Iranian or Islamic culture. His limited visits to Iran were for personal reasons rather than any connection to the Iran government.<sup>41</sup> He has established that his motivation for his contacts and activities with his family in Iran do not indicate a security risk. He has renounced his Iranian citizenship and destroyed his Iranian passport. He has presented sufficient information to mitigate any security concerns under the “whole person” concept. I conclude Applicant is eligible for access to classified information.

**FORMAL FINDINGS**

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline C:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Paragraph 2, Guideline B:	FOR APPLICANT
Subparagraph 1.a:	For Applicant

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<sup>39</sup>AG ¶ 2 (8).

<sup>40</sup>AG ¶ 2 (4).

<sup>41</sup>AG ¶ 2 (7).

Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Subparagraph 1.f:	For Applicant
Subparagraph 1.g:	For Applicant

**DECISION**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national security to grant a security clearance for Applicant. Clearance is granted.

Thomas M. Crean  
Administrative Judge