

KEYWORD: Foreign Preference; Foreign Influence

DIGEST: Applicant is 58 years old and came to the U.S. in 1976 with her husband and son from Iran. In 1985 they all became U.S. citizens. She has returned to Iran three times using an Iranian passport. She has returned her passport to Iran and renounced her Iranian citizenship. She has no family or friends or financial interests in Iran. All of her brothers and sisters and mother live in the U.S. and are U.S. citizens. She is a successful business woman who started her own business. She has successfully mitigated the security concerns raised under Guideline C, Foreign Preference, and Guideline B, Foreign Influence. Clearance is granted.

CASENO: 07-00894.h1

DATE: 10/03/2007

DATE: October 3, 2007

In re:)	
)	
-----)	
SSN: -----)	ISCR Case No. 07-00894
)	
Applicant for Security Clearance)	
)	

**DECISION OF ADMINISTRATIVE JUDGE
CAROL G. RICCIARDELLO**

APPEARANCES

FOR GOVERNMENT

Alison O'Connell, Esq., Department Counsel
Richard Stevens, Esq., Department Counsel

FOR APPLICANT

Sheldon I. Cohen, Esq.

SYNOPSIS

Applicant is 58 years old and came to the U.S. in 1976 with her husband and son from Iran. In 1985 they all became U.S. citizens. She has returned to Iran three times using an Iranian passport. She has returned her passport to Iran and renounced her Iranian citizenship. She has no family or friends or financial interests in Iran. All of her brothers and sisters and mother live in the U.S. and are U.S. citizens. She is a successful business woman who started her own business. She has successfully mitigated the security concerns raised under Guideline C, Foreign Preference, and Guideline B, Foreign Influence. Clearance is granted.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) declined to grant a security clearance for Applicant. DOHA issued a Statement of Reasons (SOR) on July 11, 2007, detailing the basis for its preliminary decision—security concerns raised under Guideline C (foreign preference) and Guideline B (foreign influence). This action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (Feb. 20, 1960), as amended and modified, Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended and modified (Directive), and the revised adjudicative guidelines approved by the President on December 29, 2005, and implemented effective September 1, 2006 (Guidelines). Applicant answered the SOR in writing on July 19, 2007, and elected to have a hearing before an administrative judge. The case was assigned to me on August 16, 2007. With the consent of the parties, and to accommodate their schedules, I convened a hearing on September 17, 2007, to consider whether it is clearly consistent with the national interest to grant a security clearance for Applicant. The Government offered five exhibits for admission into the record, marked as GE 1-5. The exhibits were admitted into evidence without objections. The Government also offered for administrative notice HE I-IX. Applicant objected to HE IX as being argumentative. I took administrative notice of HE I-VIII. I did not take administrative notice of HE IX, because it was merely a summary of information included within all of the other HE exhibits. Applicant testified on her behalf in addition to three witnesses, and offered 24 exhibits, marked as AE A-X. The exhibits were admitted into evidence without objections. DOHA received the hearing transcript (Tr.) on September 25, 2007.

FINDINGS OF FACT

Applicant's admissions to the allegations in the SOR are incorporated herein. In addition, after a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is a 58-year-old woman who came to the U.S. from Iran with her husband in 1976 so they could complete their education. Both earned bachelor's degrees in Iran and master's degrees from U.S. universities. Applicant earned a second bachelor's degree in the U.S.¹ They each have completed the course study for their PhDs, but not their dissertations. Applicant intends to complete

¹AE O, P and Q.

her PhD in the future.² Her husband is 64 years old and has worked as an accountant, in professorial positions and in senior administration positions for a state university for 26 years.³ They have been married since 1970 and have one son, who was born in the Iran. He has a Ph.D., is a neuroscientist, and is married and living in the U.S.⁴ Applicant, her husband, and their son became naturalized U.S. citizens in October 1985. Applicant is a first time applicant for a security clearance.

Applicant worked in the registrar's office at a U.S. university from 1979 until 1989.⁵ She left in 1989 and was self-employed as a consultant to a bank as an information systems analyst until 2000.⁶ From 1990 to 1998 she taught engineering courses at the university where she was formally employed.⁷ In 2000, she started her own company and is the owner, president and chief executive officer. Her company employs eight people.⁸ In 2004 she was certified to teach courses in a neighboring state's university system.⁹

Applicant's husband's parents are deceased. He has a brother living in the U.S. who is a naturalized U.S. citizen. The only family he has remaining in Iran are two sisters. Applicant and her husband have been estranged from the sisters since their wedding day in 1970 when a family disagreement occurred. Neither Applicant nor her husband has had any communication with them since their wedding day. Prior to Applicant's mother-in-law's death in 2005, she would advise them about the sisters' well being. Since her death, neither Applicant or her husband has learned anything about them, nor have they sought any information about them. They do not know if they are still living. There remains a bitter estrangement and neither Applicant or her husband has had any contact with them in the past nor do they intend to in the future. Since her husband's mother's death they have not been in contact with his brother. Her husband has no other living relatives in Iran.¹⁰ Her husband's family supported the pre-1979 regime and after the revolution three of his family members were executed, two within 48 hours of each other.¹¹ Her husband has not returned to Iran since coming to the U.S. in 1976 and has no intentions of ever returning.¹² He has not held an Iranian passport since becoming a U.S. citizen. He has not maintained any contacts with anyone in Iran.

²Tr. 118.

³Tr. 30-31.

⁴Tr. 4.

⁵Tr. 121.

⁶Tr. 121-122.

⁷Tr. 130.

⁸AE H, I, J, K, L, M, and N; Tr. 123-131.

⁹AE R; Tr. 131-132.

¹⁰The information in this paragraph is at Tr. 36-43, 137-142.

¹¹Tr. 46-47.

¹²Tr. 35.

Applicant has four sisters and two brothers who are all naturalized U.S. citizens living in the U.S.¹³ Her mother is 82 years old and a naturalized U.S. citizen living in the U.S. Her father was a naturalized U.S. citizen and died in 2006. He is buried in the U.S. She has no immediate family living in Iran.¹⁴

In 1988 Applicant obtained an Iranian passport so she could bring her father into the U.S. as a permanent resident.¹⁵ She was not permitted to do the paperwork through the Interests Section of the Islamic Republic of Iran at the Embassy of Pakistan (ISIR) without a valid Iranian passport.¹⁶ This is the office that a U.S. citizen must use because there are no diplomatic ties with Iran. She did not use the passport for travel at that time, but only to assist her father in coming to the U.S.¹⁷

In 1998, Applicant's father wanted to return to Iran to retrieve family heirlooms of sentimental value that were in storage.¹⁸ They had to go to the ISIR. She could not gain entry to ISIR unless she had a valid Iranian passport. Applicant accompanied her father to the ISIR because his language skills were limited. She filled out the application to renew her expired Iranian passport. She stated she listed her citizenship as U.S. A special stamp was required on all Iranian passports to enter and exit Iran. Her father never returned because he became ill with cancer before he could begin the trip.¹⁹ She did not use the Iranian passport at this time.

Applicant renewed her Iranian passport to travel to Iran in 2002. She did not think she could travel on a U.S. passport. Her father was ill with cancer and his brother was tragically killed in a car accident. Her father wanted to go to the funeral in Iran, but due to his health Applicant volunteered to be the family representative who would accompany her mother to attend the funeral. Her other siblings all had jobs or contracts with the U.S. government or had children to care for that made it more difficult for them to make the trip. Her parents were devastated by the death and it was not feasible for her elderly mother to travel alone. Applicant needed her Iranian passport to enter Iran. She exited the U.S. on her U.S. passport and entered Iran on her Iranian passport. They planned to stay in Iran for 40 days to observe the culturally regimented grieving process and religious observances. They stayed for approximately three to four weeks and left early because her mother became ill. Applicant commented that her mother is Muslim; however Applicant does not follow

¹³Tr. 134-136.

¹⁴Tr. 142.

¹⁵Tr. 142-144.

¹⁶*Id.*

¹⁷Tr. 145.

¹⁸Tr. 246. There was a great deal of confusion as to when Applicant went to the ISIR to assist her father. Applicant repeatedly was confusing 1998 and 1988 and some of the testimony interchanged 1998 and 1988. Although she would firmly state one date, she would then confuse it with the other. I do not find she was untruthful or not credible, but rather she genuinely and unintentionally confused the dates, thereby making it confusing for everyone.

¹⁹Tr. 256.

that faith, but follows her heart. She did not reconnect with any relatives other than to observe the customs associated with the funeral.²⁰

In October/November 2004, Applicant returned to Iran for dental surgery. She had her Iranian passport stamped again and it was not renewed, but rather the validity of the passport was extended.²¹ She had dental problems and was told by her U.S. dentist that the implant procedures that were required were considerably less expensive in Iran. Her dentist in the U.S. recommended a U.S.-trained Iranian dentist in Iran. Applicant explained she needed five dental implants. The cost of the implants in the U.S. were approximately \$3,000 to \$3,800 per tooth, costing approximately \$15,000-\$19,000 for the whole procedure. The same dental procedures in Iran would cost approximately \$1,800, plus travel expenses.²²

Through her dentist in the U.S. she was provided the name of Dr. M in Iran. She had obtained Dr. M's name from Dr. D who is an Iranian born gynecologist in the U.S. It was Dr. D's brother Dr. X who was the dentist in Iran who worked with Dr. M who would perform the surgery. Applicant contacted Dr. M's office in Iran and made arrangements to have the surgery done in Iran. She used her frequent flyer miles to travel to Iran. She did not have any difficulty entering the country on her Iranian passport. She had the surgery and stayed at a hotel afterwards.²³ Dr. X's wife learned Applicant was recuperating in a hotel by herself and provided her comfort with food. Neither Applicant or Dr. X's wife were acquainted with each other prior to this trip. Dr. X's wife also insisted that Applicant stay in their home during her convalescence, which Applicant accepted. She stayed with them approximately two weeks. She did not pay them for their hospitality. She traveled to the clinic by private taxi every other day for two weeks. She did not go anywhere else, but stayed in bed. Due to the bruising and the necessity to ensure Applicant had healed properly from the surgery, Dr. M determined it would be a mistake to finish the procedure on this trip. She had no contact with the Iranian government. She did not contact her estranged sisters-in-law while in Iran or any other distant relative.²⁴

In May 2005 Applicant returned to Iran to complete the dental procedure. Again she did not have difficulty entering Iran on her Iranian passport. She stayed in Iran for three weeks and the dental procedure was completed. While there she stayed in a hotel for two weeks and in Dr. X's home for one week. She did not have any contact with any of her distant relatives. She maintained some contact with Dr. X's wife in 2006 on a monthly basis, but has not had contact with her this year. Applicant visited Dr. X's wife once while she was visiting her relatives in the U.S. They had dinner at a restaurant. Applicant thought it was the appropriate thing to do because of the hospitality

²⁰The information in this paragraph is at Tr. 145-150,198-199.

²¹Tr. 200-202.

²²Tr. 45, 153, 203.

²³AE F and G are documents verifying Applicant's dental treatment and their translations.

²⁴The information in this paragraph is at Tr. 154-162, 204-207..

she had extended.²⁵ She has had no further contact and no plans to see her in the future.²⁶ She also had some contact with Dr. M after her final check up in 2005 as follow-up to her surgery and to ensure there were no dental or medical issues with her teeth implants.²⁷

When Applicant renewed her Iranian passport and traveled to Iran she was unaware that her actions could have future security clearance implications. Apparently, whenever she made a trip to Iran, the ISIR required a special stamp validating her passport. She has unconditionally renounced her Iranian citizenship and returned her passport to the ISIR.²⁸ She admitted that her renunciation was to ease the process to get a security clearance and also that she no longer needs her passport. She testified that by returning her passport and renouncing her citizenship in Iran she can never return there. She is certain her name is on a list that would cause her problems if she attempted to return to Iran. She has permanently severed all ties with Iran.²⁹ She provided the postal return receipt verifying the ISIR received her passport.³⁰ She has not received any acknowledgment from them.³¹

Applicant and her husband have estimated assets in the U.S. of approximately \$10 million dollars.³² They own a house in the U.S. valued at \$1.25 million.³³ They have no assets in Iran.³⁴

Applicant has a reputation as a very helpful person with a big heart. Her husband would often ask her to help Iranian foreign students, especially females with personal questions as they were attempting to adapt culturally to the U.S.³⁵ She would not only assist with educational advice, but also personal advice. She is viewed as a mentor to these foreign students. She is very giving of her time and experience.³⁶ She was often asked to do the same when she was working at the registrar's office of the university where she worked. She would serve as a translator and a mentor. She was not paid for her services, but did it voluntarily.³⁷ She would sometimes prepare ethnic food for the

²⁵Tr. 217.

²⁶Tr. 217-218.

²⁷Tr. 162-164.

²⁸AE E; GE 4 contains the postal receipt verifying the ISIR received Applicant's Iranian passport. Tr.219-221.

²⁹The information in this paragraph is at Tr. 169-170.

³⁰GE 4.

³¹Tr. 220-221.

³²AE X.

³³Tr. 52-53.

³⁴Tr. 224.

³⁵Tr. 47-51, 78-85, 109-112.

³⁶*Id.*

³⁷*Id.*

students to make them feel at home and help them not to be home sick.³⁸ After the tragedy of September 11, 2001, the number of Iranian students diminished and she did not have as much opportunity to help.³⁹ She is considered honest, trustworthy, and a warm individual who truly wants to help others.

Iran is a constitutional Islamic republic with a theocratic system of government in which Shi'a Muslim clergy dominate the key power structures, and ultimate political authority is vested in a learned religious scholar.⁴⁰ The U.S. has not had diplomatic relations with Iran since 1980.⁴¹ The President's National Security Strategy has stated that the United States "may face no greater challenge from a single country than from Iran."⁴²

The U.S. Government has defined the areas of objectionable Iranian behavior as:

- Iran's efforts to acquire nuclear weapons and other weapons of mass destruction;
- Its support for and involvement in international terrorism;
- Its support for violent opposition to the Middle East peace process;
- Its dismal human rights record; and
- Iran's intervention in the internal affairs of Iraq.⁴³

The U.S. has designated and characterized Iran as the most active state sponsor of terrorism. Iran provides critical support to non-state terrorist groups.⁴⁴

The government of Iran has committed numerous, serious human rights abuses against the Iranian people. Abuses include political killings and incarceration; summary executions, including of minors; disappearances; religious persecution; torture; arbitrary arrest and detention, including prolonged solitary confinement; denial of due process; severe restrictions on civil liberties-speech, press, assembly, association, movement and privacy; severe restrictions on freedom of religion; official corruption; violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; and child labor.⁴⁵

_____The State Department continues to warn U.S. citizens to consider carefully the risks of travel to Iran. The children of Iranian citizens are considered Iranian citizens by Iranian authorities, since

³⁸Tr. 176.

³⁹*Id.*

⁴⁰HE IV at 1; HE III at 7.

⁴¹HE III at 7.

⁴²HE I at 20.

⁴³He III at 7; HE VII.

⁴⁴HE VII at 2.

⁴⁵HE IV.

Iran does not recognize dual citizenship. As a result, U.S.-Iranian dual citizens have been detained and harassed by the Iranian government.⁴⁶

POLICIES

“[N]o one has a ‘right’ to a security clearance.”⁴⁷ As Commander in Chief, 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.”⁴⁸ The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.”⁴⁹ An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.”⁵⁰ “The clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials.”⁵¹ Any reasonable doubt about whether an applicant should be allowed access to sensitive information must be resolved in favor of protecting such sensitive information.⁵² The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of an applicant.⁵³ 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.⁵⁴

Initially, the government must establish, by substantial evidence, conditions in the personal or professional history of the applicant which disqualify, or may disqualify, the applicant from being eligible for access to classified information.⁵⁵ “Substantial evidence” is “more than a scintilla but

⁴⁶HE VIII.

⁴⁷*Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

⁴⁸*Id.* at 527.

⁴⁹Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960).

⁵⁰ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002).

⁵¹*Id.*

⁵²*Id.*; Directive, Enclosure 2, ¶ E2.2.2.

⁵³Executive Order 10865 § 7.

⁵⁴*See* Exec. Or. 10865 § 7.

⁵⁵*See Egan*, 484 U.S. at 531.

less than a preponderance.”⁵⁶ The Guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability.⁵⁷

Once the government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts.⁵⁸ An applicant “as the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.”⁵⁹ “[S]ecurity clearance determinations should err, if they must, on the side of denial.”⁶⁰

Conditions that could raise a security concern and may be disqualifying, as well as those which would mitigate security concerns, pertaining to the adjudicative guidelines are set forth and discussed in the conclusions below.

CONCLUSIONS

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

Based upon consideration of the evidence, I find the following adjudicative guidelines most pertinent to the evaluation of the facts in this case:

Foreign Preference

Foreign Preference is a security concern when an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.⁶¹

Based on all of the evidence I have considered Foreign Preference Disqualifying Condition (FP DC) 10(a) (*exercise of any right, privilege or obligation, of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member; This includes but is not limited to (1) possession of a foreign passport...*) and FC DC 10(b) (*action to acquire or obtain recognition of a foreign citizenship by an American citizen*). Appellant is recognized as a citizen of Iran because she was born there. After becoming a U.S. citizen she obtained an Iranian passport and traveled to Iran three times on it. I find both disqualifying conditions apply.

⁵⁶See *v. Washington Metro. Area Transit Auth.*, 36 F.3rd 375, 380 (4th Cir. 1994).

⁵⁷See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996)

⁵⁸See Directive ¶ E3.1.15.

⁵⁹ISCR Case No. 01-207000 at 3 (App. Bd. Dec. 19, 2002)

⁶⁰*Egan*, 484 U.S. at 531; see Guidelines ¶ 2(b).

⁶¹*Id.* at ¶ 9.

I have considered all the Foreign Preference Mitigating Conditions (FP MC). I especially considered FP MC 11(a) (*dual citizenship is based solely on parents' citizenship or birth in a foreign country*), FP MC 11(b) (*the individual has expressed a willingness to renounce dual citizenship*), FP MC 11(c) (*exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen or when the individual was a minor*), and FP MC 11(e) (*the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated*). Appellant is considered a citizen by Iran because she was born there. However, she also acknowledged her citizenship by obtaining and validating her Iranian passport after she became a U.S. citizen. So her citizenship is not based solely on her birth, but also by her latter actions of using her Iranian birth to obtain an Iranian passport. I find FP MC 11(a) does not apply. It is important to note that Applicant renewed and validated her Iranian passport for strictly personal reasons that were not in any way political. She did so to accommodate her elderly father so he could return to Iran, although she never used it for that purpose. She used it to assist her mother to attend a funeral there. Finally, she did so for her own personal reasons for dental treatment that was more affordable there. By virtue of using her Iranian passport she was afforded entry into the country with no difficulty, thereby exercising rights and privileges afforded citizens of Iran. Therefore, I find FP MC 11(c) does not apply.

Applicant was unaware of the issues related to having a foreign passport after becoming a U.S. citizen and on her security clearance application. She has since unconditionally renounced her Iranian citizenship and returned her passport to the ISIR. She believes she will never be permitted to return to Iran again because she will be on a list by the government and it will be unsafe for her to be there. She has no future intentions to return to Iran. She does not believe she will need to go back for any family reasons, because all of her family are in the U.S. She returned to Iran for dental treatment, but at the time had not applied for a security clearance. All of the people of Iranian descent that she currently has contact with are naturalized U.S. citizens and not an issue regardless of where the contact occurred. The contact she had with her dentist and Dr. X's wife has ceased. Applicant has done all she can to prove she does not have a preference for Iran nor consider herself a dual citizen. I find FP MC 11(b) and (e) apply.

Foreign Influence

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 U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country 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 associated with a risk of terrorism.

I have considered all of the Foreign Influence Disqualifying Conditions (FI DC) and especially FI DC 7(a) (*contact with a foreign family member, 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*), FI DC 7(b) (*connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information*), FI DC 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), and FI DC 7(e) (a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation). Applicant had contact in 2004 and 2005 with her dentist in Iran. She also had contact with Dr. X's wife for a period of time in 2006. She and her husband have had no contact with his sisters in more than 37 years. Neither have any friends or family with living in Iran with whom they have contact. I have considered all of the disqualifying conditions and conclude none apply. However, in an abundance of caution I will address the contacts in a broad overview.

There is no indication that Applicant's contact with Dr. X's wife created a heightened risk of foreign exploitation, inducement, manipulation, pressure or coercion. There is also no indication that these connections created a potential conflict of interest. The connection to the dentist was strictly professional and ended when her treatment ended. Her connection to Dr. X's wife was personal, but it was merely a gesture of kindness offered by the wife. The relationship has ended and there is no further contact. There was no evidence that the connection to the foreign people created or could create any conflict of interest. Applicant has severed ties and has no contact with any foreign citizens of Iran. Applicant's does have contact with immigrants from Iran, but all of them are U.S. citizens. She and her husband have considerable assets in the U.S. They have no assets in Iran.

I have considered all of the Foreign Influence Mitigating Conditions (FI MC) especially (FI MC 8(a) *(the nature of the relationships with the foreign person, 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 interests of the U.S.)*, FI MC (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 so minimal or the individual has such deep and longstanding relationships and loyalties to the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest)*, FI MC 8(c) *(contact or 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)*, and FI MC 8(f) *(the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual)*.

Applicant's relationships in Iran have been severed. The contacts she did have were so she could obtain dental care and to assist her mother to attend her uncle's funeral. There are no restriction on contacts with American citizens who were from Iran and became naturalized. It is undisputed that Iran creates a heightened security concern. However, I find Applicant does not have any contacts in Iran. She visited Iran prior to applying for a security clearance, has not been there for more than two years, and has no intentions of returning. There is simply no one there that could influence her and create a security concern. Whatever relatives she may have there through her husband are estranged. Her contacts regarding her dental care no longer exist and even if she wanted to she could not return because she has surrendered her passport and renounced her citizenship. She and her husband have no financial interests in Iran. Whatever sense of obligation she had to her family to return to Iran has ceased since her father died. He is buried in the U.S. and her mother is elderly and her children all live in the U.S. as citizens. There is little likelihood that Applicant has any conflict of interest, but if she did it is clear due to her longstanding loyalty to the U.S. and the

likely minimal nature of the conflict, she would resolve it in favor of the U.S. I find all the above mentioned mitigating conditions apply.

Whole Person Analysis

In all adjudications, the protection of our national security is the paramount concern. The objective of the security-clearance process is the fair-minded, commonsense assessment of a person's life to make an affirmative determination that the person is eligible for a security clearance. Indeed, the adjudicative process is a careful weighing of a number of variables in considering the "whole person" concept. It recognizes that we should view a person by the totality of their acts, omissions, motivations and other variables. Each case must be adjudged on its own merits, taking into consideration all relevant circumstances, and applying sound judgment, mature thinking, and careful analysis.

In addition to considering the specific disqualifying and mitigating conditions under each guideline, I have also considered the adjudicative process factors listed in ¶ 2a (1)-(9) of the Directive to be considered in evaluating a person's eligibility to hold a security clearance. Specifically these are: (1) the nature and seriousness of the conduct and surrounding circumstances; (2) the frequency and recency of the conduct; (3) the age of the applicant; (4) the motivation of the applicant, and the extent to which the conduct was negligent, willful, voluntary, or undertaken with knowledge of the consequences; (5) the absence or presence of rehabilitation; and (6) the probability that the circumstances or conduct will continue or recur in the future. Although the presence or absence of a particular condition or factor for or against clearance is not outcome determinative, the Guidelines should be followed whenever a case can be measured against this policy guidance.

I considered the whole person in evaluating the case. I considered Applicant's credibility, demeanor and responsiveness when testifying. Applicant has lived in the U.S. since 1976 and been a U.S. citizen since 1985. She did not return to Iran until 2002 and that was to help her mother travel. She traveled again to Iran in 2004 and 2005 for dental care. She has no family contacts in Iran. She and her husband are estranged from his two sisters who live there. All of their other immediate family live in the U.S. and are U.S. citizens. She has no friends she is in contact with there. She and her husband have substantial assets in the U.S. Applicant returned her passport to ISIR and has renounced her citizenship, knowing she can never return there and has no wishes to return. She is a well-regarded professional woman, with a business of her own and a warm and open heart to many people, but especially those having difficulty transitioning to a new culture. She has no contact with the Iranian government and knows no one who does.

After weighing the disqualifying and mitigating conditions under Guidelines C and B, and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns based on Foreign Preference and Foreign Influence. Accordingly, I conclude she has carried her burden of showing that it is clearly consistent with the national interest to grant her a security clearance.

FORMAL FINDINGS

The following are my conclusions as to each allegation in the SOR:

Paragraph 1. Guideline C: FOR APPLICANT

Subparagraph 1.a: For Applicant

Subparagraph 1.b: For Applicant

Subparagraph 1.c: For Applicant

Paragraph 2. Guideline B: FOR APPLICANT

Subparagraph 2.a: For Applicant

Subparagraph 2.b: For Applicant

Subparagraph 2.c: For Applicant

DECISION

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

Carol G. Ricciardello
Administrative Judge