



DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of: )  
)  
) ISCR Case No. 21-00068  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Ross Hyams, Esq., Department Counsel  
For Applicant: *Pro se*  
04/21/2022

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**Decision**

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MASON, Paul J., Administrative Judge:

Given the insufficient evidence Applicant presented to demonstrate that his relationships and loyalties in the United States are so deep that he can be expected to resolve any conflict of interest in favor of the U.S. interest, he has not mitigated foreign influence concerns. Eligibility for security clearance access is denied.

**Statement of the Case**

On May 1, 2018, Applicant signed and certified an Electronic Questionnaire for Investigations Processing (e-QIP). On August 21, 2018, he was interviewed by an investigator from the Office of Personnel Management (OPM). The Department of Defense Counterintelligence and Security Agency (DCSA) could not make the preliminary affirmative findings required to grant a security clearance. The DCSA issued to Applicant a Statement of Reasons (SOR), dated May 28, 2021, detailing security concerns under the guideline for foreign influence (Guideline B). The action was taken under Executive Order (E.O.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as

amended (Directive); and the revised adjudicative guidelines (AG) effective in the DOD on June 8, 2017.

Applicant provided an undated answer to the SOR. He provided his signature to the hearing request form and dated it May 7, 2021. The case was assigned to me on August 30, 2021. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on December 1, 2021, for a hearing on December 22, 2021. The hearing was held as scheduled. The Government's two exhibits (GE) 1-2 and Applicant's thirteen exhibits (AE) A-M were entered into evidence without objection. The record in this case closed on January 10, 2022 when DOHA received the transcript (Tr.) of the hearing.

### **Administrative Notice**

The Government requested that I take administrative notice of certain relevant facts related to Iraq. The facts are limited to matters of general knowledge and not subject to reasonable dispute. The Government's administrative notice memorandum and source documents are identified as HE (1). The additional source documents are identified as HE (2). Applicant had no administrative facts that he wanted me to take administrative notice of regarding the Republic of Iraq.

### **Findings of Fact**

The SOR identifies five allegations under Guideline B (foreign influence) applying to Applicant's foreign family members and friends, who are citizens and residents of Iraq. He admitted all allegations. References to the government exhibits shall be to the typed page numbers located in the upper right corner of the page.

Applicant, 34 years old, was born in Iraq in 1987. He received his Iraqi high school diploma in July 2008. He entered the United States in May 2012, and tried to renounce his Iraqi citizenship when he became a U.S. citizen in June 2017. He was informed that that the policy had changed allowing him to retain his Iraqi passport but not to use it. He has not used his Iraqi passport since becoming a U.S. citizen in June 2017. (GE 2 at 5) He earned some college credits in 2014 at a U.S. community college, but received no degree. Before he began attending a university in the fall of 2020, where he intends to complete a bachelor's degree in May 2022, he attended a community college. To pay for his education, he receives financial aid, a scholarship, and a monthly check from a friend. Applicant has never been married. He seeks his initial security clearance. (GE 1 at 9-10, 16, 28, 73, 76-80, 89-90)

In May 2018, Applicant was working in the United States as a mechanic. In April 2018, he was hired as a linguist, and anticipates deployment once his security clearance application is granted. His security clearance application shows a gap in employment activity from January 2018 to April 2018. He was unemployed between October 2014 and December 2017. During the period, he traveled to six foreign countries. Four of those trips were to Iraq, and each lasted more than 30 days. (GE 1

at 61-69) Between August 2013 and September 2014, Applicant was a security officer. In his last linguist position from May to July 2013, he also had role playing responsibilities. He was unemployed in the previous five months. For a two month-period in 2012, he worked for a cleaning company. From December 2008 to October 2011, Applicant was employed by a defense contractor as a linguist in Iraq. His supervisor during the period wrote a statement about Applicant's good performance as a linguist between 2009 and 2010. (GE 1 at 24; AE B). Before working as a linguist, he was unemployed from January 2007 to November 2008. (GE 1 at 16-25)

SOR 1.a – Applicant's mother is 52 years old. She is a resident citizen of Iraq. She is a housewife and cares for the family children. She used to work on the family farm until it was destroyed by the Islamic State of Iraq and Syria (ISIS) in 2014. Applicant has weekly contact with her by telephone and social media. He sent her money from 2014 through 2020, but has sent no money in 2021. The mother has never had contact with any government or military. Living with his mother are two of Applicant's sisters and one brother. Applicant's mother does not have an inheritance. Instead, she obtains assistance from non-government organizations (NGOs) and the resources provided by the United Nations. Applicant's father passed away in 2014 in the ISIS attack. GE 1 at 29-34; Tr. 26-30, 45-46)

SOR 1.b – Applicant has a 15-year-old brother who is a citizen and resident of Iraq. He attends an Iraqi high school. As noted in the preceding paragraph he lives with Applicant's mother. In Applicant's weekly phone calls with his mother, he speaks with his younger brother. The brother is unemployed and has no affiliation with a foreign government or military. (GE 1 at 30; Tr. 31, 46)

SOR 1.c – Four of Applicant's sisters are citizens and residents of Iraq. The 32-year-old sister is a married housewife. Her husband is an unemployed crane operator. She has no affiliation with a foreign government or military. Applicant speaks with her weekly by phone or social media. (GE 1 at 31; Tr. 48) Applicant's 31-year-old sister is a married housewife with no affiliation to a foreign government or military. Applicant has weekly contact with her by phone or social media. (GE 1 at 31; Tr. 49) Applicant's 20-year-old sister and his eight-year-old sister live with Applicant's mother. In his weekly contact with his mother, he speaks with his sisters and 15-year-old brother. (GE 1 at 29-34; Tr. 50-52)

SOR 1.d – Applicant's 30-year-old sister is married and lives in a European country that granted her refugee status because she survived an ISIS attack. She stays at home taking care of her newly born child. Applicant does not know whether her husband is employed. He speaks with her weekly, probably by phone and social media as he does with his other relatives. This sister has no connection to a foreign government or military. (GE 1 at 34; Tr. 31, 49-50)

SOR 1.e – The individuals identified below include friends and relatives by marriage. Those individuals will be identified here.

One of Applicant's close friends who is a citizen and resident of Iraq, is his brother-in-law (A). He is married to one of Applicant's sisters identified at GE 1 at 32. (SOR 1.c) He has occasional employment as an interpreter with a NGO. Applicant contacts him monthly by phone and social media. This person has no connection to any government or military. (GE 1 at 41-42; Tr. 52-53)

Applicant's second brother-in-law (B) is the crane operator married to Applicant's 32-year-old sister. See SOR 1.c. Applicant speaks with him monthly when he talks with his sister. He has no connection with any foreign government or military. (GE 1 at 42-44; Tr. 53-54)

The third listed foreign contact is a lifelong friend (C) from Applicant's Iraqi childhood. This person, a citizen of Iraq, currently lives in a European country. Applicant has not had contact with him in over a year. This friend is not associated with a foreign government or military. (GE 1 at 44-45; Tr. 54-55)

Applicant has weekly contact with his cousin (D), the fourth listed contact. Their interaction occurs by phone and social media. This individual is a police officer, but Applicant does not know his work location. He is considered an agent of the Iraqi state or local government. As discussed below, Applicant provided financial support to this cousin and other family members and friends. (GE 1 at 55-56; Tr. 45-46)

Applicant has known another childhood friend (E) since approximately 2005. He is employed by the Iraq army in the ministry of defense. The two persons converse weekly or monthly over the phone or social media. Applicant provided financial support to this person. (GE 1 at 46-47; Tr. 56-57)

The sixth foreign contact is the brother (F) of Applicant's aunt. He owns a car-parts store. Applicant contacts him about four times a year. He has no connection to a foreign government or military. Applicant provided financial support to this person. (GE 48-49; Tr. 57-58)

The seventh foreign contact is the nephew (G) of Applicant's other aunt. His only contact with this nephew occurred when Applicant had to transfer money to his aunt. He provided financial support to this person. (GE 49-50)

The eighth contact is Applicant's uncle (H) who is married to his aunt. Applicant contacts him quarterly. This person is unemployed. (GE 1 at 50-51; Tr. 59-60)

The ninth listed contact is Applicant's cousin (I). This person works in the residency office, and keeps track of foreigners who travel to and from an autonomous region of northern Iraq. Applicant speaks with him monthly. Applicant provided financial support to this individual. (GE 1 at 52-53; Tr. 60-61)

The tenth contact is another uncle (J) who Applicant contacts quarterly by phone or social media. This person is a farmer. Applicant provided financial support to this uncle. The 11<sup>th</sup> contact is an aunt (K) who Applicant spoke with quarterly by phone or social media, but has not had contact with her in over a year. (GE 1 at 53-55; Tr. 61-62)

Applicant provided financial support to some of his relatives and friends from his Iraqi hometown. Except where noted, most these individuals are citizens and residents of Iraq. The reason for the support was that these individuals lost everything following an attack by ISIS in 2014. (Tr. 43-44) It is surprising that Applicant never mentioned this attack in his August 2018 PSI. Instead, he only explained the family members that lived in tents and the gifting was based on a family custom motivating family members to work together and share financial burdens. See GE 2 at 7.

Applicant has given about \$18,000 to his cousin D for transfer to Applicant's mother and sisters; he provides about \$10,000 annually in financial support for his mother (SOR 1.a). (GE 2 at 7; Tr. 62-63, 66)

Applicant sent cousin (L), a citizen of Iraq living in a European country, approximately \$2,500. He indicated he sent the money because, like some of the other recipients, this cousin he had lost everything in the 2014 ISIS attack. Applicant sent friend E \$5,000 and another cousin I \$300 for the same reason. He sent his uncle J about \$4,000 to help pay his child's medical expenses that the uncle could not afford. He sent friend E \$1,500 to help get back on his feet after the 2014 attack. (Tr. 63-64)

Applicant sent uncle J, referenced earlier, another \$2,000. Applicant described the frequency of his support to this recipient as "twist." See GE 1 at 57, 58. (No additional information was provided.) He sent friend I \$200 to give to his aunt (K). He sent friend E about \$200. Applicant sent cousin I \$700 to transfer to Applicant's mother. Applicant provided \$2,500 to uncle J a couple of times. (Tr. 64-65) According to Applicant's August 2018 PSI, he provided at least \$34,200 to relatives and friends. (GE 2 at 7) Part of the money Applicant gifted to his relatives and friends in Iraq came from his savings and from his friends in the United States. (Tr. 62-65, 80-83)

Applicant's most recent trip to Iraq was in December 2020. He arrived in the country on December 10, 2020 and returned to the United States on January 7, 2021. He went to the country on several occasions in 2016 to determine whether any of the victims in the 2014 hometown attack were members of his family. He indicated he lost four family members in the 2014 attack. However, as noted earlier, he did not mention this horrific event in his August 2018 PSI. Because of the unstable security situation in his hometown, Applicant applied in 2018 to the International Organization for Migration (IOM) for his family members to immigrate to the United States. (Tr. 67-70)

Applicant has no foreign property or financial interests. (GE 1 at 56) Though he owned a home in the United States in August 2017 (GE 1 at 12), he testified that he owns no home or property in this country at the present time. He has about \$20,000 in

savings, but no retirement account. He hopes to establish an account after he receives his bachelor's degree. He initially testified that he had no close relatives in the United States. Then he testified that he had no relatives in the United States. When asked whether he was involved in his community, he testified "what is that," then he indicated that he was not involved in a religious or community organization. (Tr. 78-80)

If a terrorist group tried to exert pressure on and through one or more of Applicant's foreign family members to get Applicant to divulge or disclose classified information, he would not yield to that pressure. (Tr. 75)

### **Character Evidence**

Applicant's witness (W) testified that he met Applicant while stationed in Iraq in February or March 2009. W was part of an advisory and assistance team that traveled around to train local Iraqi border enforcement agents (border agents) in logistics and security. Applicant was introduced as the team's interpreter for the next 12 months. He supported the team on patrols through villages and forts. If the team had information to exchange with local border agents, Applicant would translate that information. He frequently proposed ideas to enhance communication and interaction between the coalition forces and the Iraqi locals. He taught the team different dialects of the Arabic language. (Tr. 12-15, 20)

W explained that during his Iraqi deployment, about 70% of the time was spent on missions away from the military base, and 30% of the time they were inside the base to rest and replenish. W was armed during these missions, with body armor and protective equipment. He recalled no combat incidents. Though W could not recall meeting any of Applicant's family members, he remembered that Applicant's family prepared a meal and Applicant brought the meal to the team. (Tr. 16-20)

On March 3, 2009, the team chief (TC) from December 2008 to March 2009, indicated that Applicant was a level one interpreter with a commendable performance record in executing interpreter duties with the border patrol officers and coalition forces. Applicant displayed a promising future as an interpreter. In January 2009, he received a certificate of appreciation for his service. (AE A)

On December 31 2009, a major (MA) wrote a recommendation for Applicant's admission into the Special Immigrant Visa program (SIV) based on his stellar linguist service between December 2008 and the end of December 2009. He excelled at translating discussions, manuals, and other documents. He provided effective assistance in the maintenance of equipment and before and after mission responsibilities. During the period of conflict, because Applicant and his family faced threats from insurgents hostile to the Iraqi government, Applicant constantly wore protective gear and concealed his identity to minimize the risk he and his family could be kidnapped or executed. Applicant received a certificate of appreciation from MA for his service to the coalition forces. (AE B)

On February 2, 2010, the interpreter manager (IM) wrote a recommendation for Applicant's enrollment into the SIV program. As MA had indicated, Applicant participated in over 400 combat missions and other mission-related activities with Iraqi leadership and other prominent Iraqi locals. The remainder of this endorsement mirrors M's endorsement. (AE C)

On August 3, 2010, the commandant (CO) of the continuing education center, wrote that Applicant risked his life on numerous occasions in patrols and forays with coalition forces. Applicant also trained Iraqi security forces so they could achieve more effective security objectives. CO has no reason to believe that Applicant represents a threat to the national security of the United States. On August 3, 2010, CO provided Applicant a certificate of his support at the education center. (AE D)

On October 10, 2011, a captain (CP) wrote a recommendation based on Applicant's service in A's unit for three months in 2011, and his service by MA since December 2008. He carried out linguistic and cultural liaison responsibilities in a productive manner. He demonstrated loyalty and honesty. (AE E) On October 10, 2011, Applicant was commended for his honorable linguist service, but informed his assistance would no longer be needed. (AE F)

In an undated and unsigned recommendation, a squad leader (SL) wrote that he was deployed to Iraq and Applicant was an interpreter who participated in about 400 combat missions and deserves significant credit for training the Iraqi police and army.

In an undated unsigned recommendation, a retired police detective (PD) indicated that he held positions in the U.S. government at some time. He supervised Applicant for a two-year period between 2009 and 2011. As his most trusted interpreter, PD helped Applicant apply for a visa through the SIV program. PD recommends Applicant for a security clearance. (AE H)

In an undated, unsigned letter of recommendation, the assistant director (AD) of the international studies program commented on his affiliation with Applicant. AD assisted Applicant in the selection of a university to obtain a bachelor's degree. AD was involved in courses Applicant selected. He also taught two of Applicant's courses. Applicant has shown a strong commitment to developing a career in the international community. (AE I)

In an unsigned and undated recommendation, a sergeant (SE) explained that he served with Applicant in Iraq from 2009 to 2010, when SE returned to the United States. After Applicant returned to United States in 2012, they resumed their contact. SE believes Applicant is continuing his education so he can be a productive and dedicated member of the United States. (AE J)

On July 15, 2021, Applicant's point-of-contact (POC) handling pay and personnel issues in late 2009, became close friends with Applicant and escorted him to

his interview to obtain a special immigrant visa (SIV). POC considers him a trustworthy friend. (AE K)

On December 13, 2021, an Army National Guardsman (NG), who served with Applicant in Iraq in 2009 and 2010, commented on his experiences with Applicant. For the entire period, Applicant provided effective participation in the success of the coalition mission. (AE L)

In an undated recommendation, a former civilian police advisor (PA) contractor was detailed to train local police forces, and relied heavily on the linguist assigned to the PA's team. PA and Applicant worked together for months. Applicant listened closely to the local Iraqis in meetings. During these meetings, he occasionally alerted PA's team when he believed other unfamiliar linguists were experiencing difficulty translating a dialect. He also took extra time to ensure that the audiences at these village meetings understood the issues for discussion as completely as possible.

### **Administrative Notice – Republic of Iraq**

Iraq is a parliamentary republic that continues to evolve into a stable country. The outcome of the 2014 parliamentary elections met international standards of fair elections and led to the peaceful transition of leadership from former Prime Minister Nouri al-Maliki to Prime Minister Haider al-Abadi.

In December 2019 because of the constant demand for changes in the Iraq political system, Prime Minister Adil Abd al-Mahdi resigned. A new prime minister was confirmed by the Iraq cabinet in May 2020. He promised to improve security and fight corruption. Several assassinations later in 2020 of protest leaders and a well-known researcher caused serious doubt in whether the new prime minister would be able to accomplish his objective.

The U.S. State Department warns U.S. citizens living in Iraq are at a high risk for kidnapping and terrorist violence. The U.S. Government considers the potential threats to U.S. government personnel in Iraq to be serious enough to require them to live and work under strict security guidelines.

A 2019 human rights report indicated that serious human rights problems are still widespread in Iraq. Sectarian hostility and corruption at all levels of government have diluted the Iraqi government's human rights protections. Other human rights-related problems include: dangerous conditions in prisons and detention facilities; arbitrary arrest and pretrial detention; limits on freedom of expression and assembly; and discrimination based on gender, race, and religion.

### **Policies**

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. These guidelines, which are flexible rules of law, apply together with common sense and the general



factors of the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . .” The applicant has the ultimate burden of persuasion in seeking a favorable security decision.

## **Analysis**

### **Foreign Influence**

AG ¶ 6 sets forth the security under Guideline B:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

Conditions under AG ¶ 7 that could raise a security concern and may be disqualifying include:

(a) contact, regardless of method, 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; and

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the

individual's desire to help a foreign person, group, or country by providing that information or technology.

Contacts and ties to family members who are citizens of a foreign country do not automatically disqualify an applicant from security clearance access. However, if an applicant has close ties to only one foreign family member, this factor may be sufficient to create the potential for foreign influence.

The "heightened risk" of foreign influence cited in AG ¶ 7(a) is elevated by several factors: the nature and strength of the family ties; the type of foreign government under consideration; its relations with the United States, and the country's human rights record. The risk of foreign influence is greater if the foreign government is authoritarian in nature, or if the family member is associated with or dependent upon the foreign government, or if the country directs intelligence operations against the United States, or if there is terrorist activity within the country. The risk of foreign influence and coercion are pertinent factors to determine the likelihood of vulnerability to government coercion or a hostile element within the country. The "heightened risk" of the foreign exploitation may establish a potential conflict of interest between an applicant's duty to safeguard classified information and the desire to help a foreign entity as set forth in AG ¶¶ 7(a) and 7(b).

The circumstances of this case show that Applicant has weekly contact by phone or social media with his mother and two married sisters. He contacts his brothers-in-law on a monthly basis. He contacts his cousin, the police officer, weekly. Applicant contacts his childhood friend, currently employed by the Iraqi ministry of defense, on a weekly or monthly basis. Applicant contacts another cousin, a state monitoring officer, on a monthly basis. He contacts another uncle and aunt four times a year. Applicant's regular contacts with his foreign family members and friends, his gifting of at least \$34,200 to foreign family members and friends, sometimes on a repeated basis, from 2014 to 2021, and his extended trips to Iraq since 2016, establish AG ¶¶ 7(a) and (b).

Conditions under AG ¶ 8 that could mitigate security concerns include:

(a) the nature of the relationships 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 interests of the United States;

(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so 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 U.S. interest; and

(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.

Applicant's contacts with his mother, two married sisters, his brothers-in law, his cousin the police officer, his cousin the military service person, the state monitoring officer, and the gifting of at least \$34,200 to foreign family members and friends, have not been casual and infrequent. AG ¶ 8(c) does not apply.

Applicant has close ties and contacts to his family members as exemplified by his gifting of at least \$34,200 to several of these persons from 2014 to 2021. The risk of improper influence by a hostile element being exerted on Applicant through one of his foreign family members cannot be ignored. AG ¶ 8(a) does not apply because of the continuing terrorist activity in Iraq, and the unsatisfactory human rights troubles that persist in the country.

The documented and testimonial evidence of Applicant's commendable performance as a linguist in Iraq in 2009 to 2011, weighs in his favor. However, based on his contacts and ties and gifting history to several foreign family members in Iraq, it is difficult to characterize these contacts as "so minimal," under the first prong of AG ¶ 8(b).

I find that insufficient evidence has been presented to meet the second prong of AG ¶ 8(b) "deep and longstanding relationships and loyalties in the United States" Applicant immigrated to the United States in May 2012, and was naturalized as a U.S. citizen in June 2017. He owns no American property and has \$20,000 in his checking account. He has no retirement account or other financial interest in the United States. Except for his educational history that began in 2014, and continued from the fall of 2018 to the present, including his endorsement from AD (AE I), Applicant's relationships in the United States pale in comparison to his ties and gifting of at least \$34,200 to his family members and friends in Iraq. AG ¶ 8(b) has not been established.

### **Whole-Person Concept**

I have examined the evidence under the foreign influence and foreign preference guidelines in the context of the nine general factors of the whole-person concept listed at AG ¶ 2(d):

- (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 or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for access to classified information must be an overall common-sense judgment based upon careful consideration of the guidelines and the whole-person concept.

I have carefully weighed Applicant's linguist career for three years that ended in October 2011 and his brief assignment in 2013. The testimonial evidence of W regarding Applicant's performance is duly noted. He participated in over 400 combat missions applying his craft in an outstanding manner. His admirable service led to his immigration to the United States through the SIV program. Applicant's contacts and record of financial support for his foreign family members and friends in Iraq demonstrates his ongoing concern and affinity for them. However, these relationships create a heightened risk of foreign influence. There is insufficient evidence in the record to conclude that Applicant's U.S. interests outweigh his strong ties and bonds to his foreign family members and friends in Iraq. The country confronts continuing threats from terrorist groups and human rights abuses are still prevalent. Considering the evidence from an overall commonsense point of view, Applicant has not met his heavy burden of mitigating the security concerns based on the foreign influence guideline.

### **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 B):	AGAINST APPLICANT
Subparagraphs 1.a-1.e:	Against Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information.

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Paul J. Mason  
Administrative Judge