DATE: February 10, 2003

In re:

SSN: ----------

Applicant for Security Clearance

ISCR Case No. 01-21238

DECISION OF ADMINISTRATIVE JUDGE

MICHAEL H. LEONARD

APPEARANCES

FOR GOVERNMENT

Henry Lazzaro, Esq., Department Counsel

FOR APPLICANT

Joseph E. Foster, Esq., Nora Hardy Miller, Esq.,

Thomas L. Raleigh, Esq.

SYNOPSIS

Applicant is a 47-year-old married man and dual citizen of the U.S. and the United Kingdom of Great Britain (U.K.). His remaining financial asset in the U.K. is less than 9% of his net worth and is minimal compared with his substantial U.S. financial interests. Despite his exercise of dual citizenship by possession and one-time use of a British passport after obtaining U.S. citizenship, the totality of his actions--including surrendering his British passport--shows a genuine preference for the U.S. over the U.K. Applicant has successfully mitigated the foreign influence and foreign preference security concerns. Clearance granted.

STATEMENT OF THE CASE

On May 20, 2002, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to Applicant stating they were unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant.[(1)] On June 11, 2002, Applicant answered the SOR, and he requested a clearance decision based on a hearing record.

On August 8, 2002, DOHA assigned this case to me to conduct a hearing and issue a written decision. Thereafter, a notice of hearing was issued to the parties scheduling the hearing for September 10, 2002, at a location near Applicant's place of employment.

At my request, a pre-hearing conference via telephone-conference call was held on August 26, 2002. The agenda for and the results of the pre-hearing conference are detailed in my letters to the parties, dated August 15 and 26, 2002, respectively.

In addition, Applicant's counsel submitted a 12-page "Memorandum of Points and Authorities" on September 4, 2002.

The memorandum is also included in Applicant's exhibit book. Department Counsel elected to not file a written response to the memorandum.

At the hearing, Department Counsel offered two documentary exhibits admitted without objections; no witnesses were called. Applicant appeared with counsel, offered his own testimony and that of three witnesses, and offered one documentary exhibit admitted without objections. Applicant's Exhibit A (the exhibit book) consists of two three-ring binders with 62 individual tabs. Consistent with the limitations discussed during the hearing, not all the materials in Exhibit A are admitted as some of the materials are legal (e.g., directives, regulations, case law, etc.) and not factual materials. In particular, the following materials are *not* admitted into the record as evidence: Tabs 1-8, Tab 20, Tab 31, and Tabs 33-36. I will consider these matters, however, as part of Applicant's arguments. The materials at the remaining tabs are admitted into the record as evidence. DOHA received the hearing transcript on September 19, 2002.

The SOR alleges security concerns under Guideline B for foreign influence and Guideline C for foreign preference. The foreign influence allegation is based on Applicant's financial interests in the U.K. consisting of checking and savings accounts, a life insurance policy, and a retirement fund. The foreign preference allegation is based on exercising dual citizenship and possessing a British passport. In his seven-page answer, Applicant provided detailed explanations intended to mitigate the alleged security concerns. In addition, he enclosed numerous documents to his Answer and those documents are also part of the record evidence to the extent they do not duplicate materials in Exhibits A.

PROCEDURAL MATTERS

After Applicant had completed his direct examination, Department Counsel moved to amend the SOR.[(2)] In particular, the proposed amendment was a new allegation or subparagraph to SOR paragraph 2 concerning foreign influence as follows: "Your mother, brother, and sister are citizens of, and residents in, the U.K." Applicants' counsel opposed the amendment on various grounds including had they knew about the proposed amendment beforehand, they would have obtained affidavits from these persons and considered having Applicant's 81-year-old mother travel from the U.K. to testify. Department Counsel acknowledged the agency had previously made an affirmative decision not to allege these matters based on a determination Applicant's immediate family members were not a security concern at that time.[(3)] After giving the parties a full opportunity to state their positions, I denied the motion for the reasons stated during the hearing.[(4)]

After the parties had rested their cases, SOR subparagraph 1.b. was amended, without objections from the parties, by deleting the word and figures "March 10, 1999" and substituting therefor the word and figures "March 10, 1998" to conform to the evidence.[(5)]

FINDINGS OF FACT

After a thorough review of the pleadings, the 239-page transcript, and exhibits, I make the following essential findings of fact:

1. Applicant testified during the hearing, and I accept his testimony as credible and true.

2. Applicant is a 47-year-old married man seeking a security clearance at the secret level. He has lived in the U.S. since July 1988. He married a native-born U.S. citizen in December 1991, and the couple have two daughters who are also native-born U.S. citizens born in 1994 and 1996. The family's long-term plan is to remain at their current U.S. location. Applicant has no intent to relocate to the U.K. as he considers the U.S. his permanent home.

3. Although not yet a U.S. citizen, Applicant was granted a secret security clearance in about July 1994 under a Limited Access Authorization (LAA) based on compelling reasons. He is employed as a project engineer/senior systems engineer for a major defense contractor with core business areas of systems integration, aeronautics, space, and technology services. He has worked for this company, primarily on aviation-related projects, since January 1993. Applicant has never been suspected, accused, or cited for a security violation related to his handling and safeguarding of U.S. classified information. This fact was confirmed by the company's manager of industrial security/facility security officer.

4. Born in 1955, Applicant is a British citizen by birth. His father, now deceased, and mother are both British citizens. In addition, Applicant has a bother and sister who are British citizens who live in the U.K. After graduating from college with an engineering degree in 1978, he accepted employment with a British defense contractor. He worked for that company until accepting employment with his current employer in January 1993. Applicant held a security clearance, with NATO access, issued by the British government from 1978 until resigning in December 1992.

5. In July 1988, while still employed by the British company, the then 33-year-old Applicant accepted a temporary assignment in the U.S. expected to last 18 months. He was allowed to enter the U.S. by an employment-based visa. His temporary assignment was extended and sometime during this first three years in the U.S., Applicant decided he wanted to remain here. He filed a petition for resident alien status based on employment. When Applicant married his American spouse in December 1991, he re-filed his immigration petition to obtain resident alien status based on marriage to a U.S. citizen. He did so in April 1992 and the petition was approved. Thereafter, he submitted an application for U.S. citizenship via naturalization in August 1996, it was approved, and Applicant took his oath of citizenship, as required by law, on or about March 25, 1999. He obtained a U.S. passport in June 1999.

6. Obtaining U.S. citizenship was a celebrated event for Applicant, his wife and children, and their friends and neighbors. Applicant hosted a neighborhood party in honor of the event. The highlight of the party occurred when Applicant was presented with two U.S. flags that were flown over the USS Theodore Roosevelt and the USS George Washington in his honor on March 23, 1999, the day he took his oath of citizenship.[(6)]

7. In April 2001, Applicant completed a security-clearance application.[(7)] In doing so, he revealed his dual citizenship, had attended and graduated from college in the U.K., was formerly employed by a British company, had family members who were citizens of, and residents in, the U.K., owned four different financial interests (a pension fund, two bank accounts, and a life insurance endowment policy) in the U.K., possessed a British passport, and had traveled four times to the U.K. during the last seven years. Otherwise, his security-clearance application was unremarkable from a security perspective.

8. In May 2001, Applicant provided a signed, sworn statement to a special agent of the Defense Security Service (DSS).[(8)] Applicant addressed his British connections and interests in detail. Concerning his willingness to renounce his British citizenship, Applicant said he would consider doing so if necessary to maintain a security clearance. He also indicated that he would use his British passport in the future if he was traveling alone and the lines at immigration were shorter.

9. Obviously, Applicant entered the U.S. in 1988 with a British passport. He continued to possess and use that passport when necessary while residing in the U.S. As the passport was set to expire, Applicant renewed it in March 1998, one year before obtaining U.S. citizenship in March 1999. Since then, Applicant has used his U.S. passport for foreign travel with one exception. In May 2000, Applicant and his family were traveling to the U.K. to visit family and Applicant used his British passport to clear immigration at the airport in the U.K. Applicant explained he used his British passport because the line was shorter and gave it no other thought. He used his U.S. passport at all other times during that trip. Since being advised of the security concern surrounding the possession and/or use of a foreign passport (the so-called Money Memorandum),[(9)] Applicant surrendered his British passport, which was received by the British Embassy in Washington, D.C., on June 25, 2002.[(10)] In addition, Applicant has no intention of reapplying for a British passport.

10. After approximately ten years of work in the U.K., Applicant had acquired financial interests that he continued to hold when he arrived in the U.S. in 1988. Those financial interests included the four accounts alleged in the SOR as well as a house. After his marriage in 1991, Applicant sold his home in the U.K., transferred the sale proceeds to his bank in the U.S., and used the money for a house down payment. After receiving the SOR and seeking advice of legal counsel, Applicant took action and liquidated three of the four accounts--the checking and savings account and the life insurance endowment policy--in the U.K. Liquidating the life insurance endowment policy resulted in an economic loss to the Applicant of approximately $10,000. The proceeds from the bank accounts and life insurance policy were transferred to Applicant's bank in the U.S.

11. The remaining account is a retirement fund; it stems from Applicant's previous employment with the British company that provided a pension plan as an employee benefit. The pension plan was funded by the company and the U.K. government.[(11)] After leaving his job with the British firm, he transferred the pension plan to an individual account so he would have more control over investment decisions. The current retirement account is akin to a U.S. IRA fund and is held by a multinational financial firm. Despite his efforts, Applicant has been unable to transfer or otherwise liquidate the retirement fund because a U.S. IRA fund may not accept the money from the British retirement fund. Although he was still trying when the hearing convened, it appears unlikely Applicant will be able to transfer or otherwise liquidate this account due to these restrictions. Indeed, Applicant, as he understands the rules, cannot touch the money until he reaches retirement age. The value of this retirement fund, which has not been funded since December 1992, is approximately $50,000.[(12)] Otherwise, Applicant has no other financial interests in the U.K. or any other foreign country.

12. Applicant's financial interests in the U.S. are substantial. He and his wife built a home in 1993 at a cost of more than $200,000; the current market value is about $275,000. As of August 27, 2002, the couple's net worth was estimated at $570,000.[(13)] This estimate does not include Applicant's expected U.S. social security benefit of $1,200 monthly at age 62[(14)] or his estimated pension of $3,700 monthly for 10 years from his current employer.[(15)] In addition, the couple's assets include approximately $6,900 invested in their state's prepaid college fund and $11,000 for their daughters' anticipated college expenses.

13. Applicant's mother, age 81, is retired and financially self-sufficient. Applicant has one brother and one sister who are British citizens residing in the U.K. The brother is employed as a civil engineer for a construction company. His sister works as a grade school teacher. His mother and siblings are not connected to British law enforcement, military, or a national governmental agency. Likewise, they are not involved in political, scientific,

commercial, or other activities where they might benefit from obtaining U.S. national security information.

14. In his June 2002 Answer, Applicant said he was prepared to renounce his British citizenship if required to hold a security clearance. In addition, he indicated he will renounce his British citizenship if that government requires him to make any statement or take any action inconsistent with his U.S. citizenship oath, an oath he takes seriously. Applicant's hearing testimony is consistent with his earlier statements in that he expressed a conditional willingness to renounce his British citizenship.[(16)] Some of his reluctance is based on his belief that doing so will upset his mother.[(17)] Despite this reluctance, Applicant has no intention to exercise his British citizenship or otherwise use it to receive some benefit or protect some interest.

15. Applicant has never served in the British military and would refuse to do so if asked. He is willing to bear arms for the U.S. if required to do so. Applicant is a registered voter and has voted in U.S. elections. He has not paid British income taxes since approximately 1988. Since moving here, he has since paid state and federal income taxes and complied with applicable tax reporting requirements.

16. Applicant and his spouse are active and involved in various community and church activities. In particular, Applicant participates in a local PTA organization and he is a member of girl scouts.

17. Applicant has submitted a wealth of material demonstrating his overall good character as a person, his outstanding performance at work, and his security suitability.[(18)] In particular, Applicant receives high praise from the former F-14 Program Manager for the Navy.[(19)] This retired Navy captain ties many of the successes of the program to Applicant's direct involvement, and he believes Applicant is an honest and trustworthy person.

18. The U.K. is a democratic country governed by the rule of law and a longtime, close ally of the U.S. and a member of the NATO. The government is a Constitutional monarchy with executive, legislative, and judicial branches. The political parties are multiple and diverse.[(20)]

POLICIES

The Directive sets forth adjudicative guidelines containing disqualifying and mitigating conditions to consider when evaluating a person's security-clearance eligibility. In addition, each clearance decision must be a fair and impartial commonsense decision based on the relevant and material facts and circumstances, the whole-person concept, and the factors listed in ¶ 6.3.1. through ¶ 6.3.6. of the Directive. Although the presence or absence of a particular condition or factor for or against clearance is not outcome determinative, the adjudicative guidelines should be followed whenever a case can be measured against this policy guidance. Considering the evidence as a whole, Guideline B for foreign influence[(21)] and Guideline C for foreign preference,[(22)] with their respective disqualifying and mitigating conditions, are most relevant here.

BURDEN OF PROOF

The only purpose of a security-clearance decision is to decide if it is clearly consistent with the national interest to grant or continue a security clearance for an applicant.[(23)] The government has the burden of proving controverted facts.[(24)] The U.S. Supreme Court has said the burden of proof in a security-clearance case is less than the preponderance of the evidence.[(25)] The DOHA Appeal Board has followed the Court's reasoning on this issue establishing a substantial-evidence standard.[(26)] "Substantial evidence is more than a scintilla, but less than a preponderance of the evidence."[(27)] Once the government meets its burden, an applicant has the burden of presenting evidence of refutation, extenuation, or mitigation sufficient to overcome the case against them.[(28)] In addition, an applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.[(29)]

As noted by the Court in *Egan*, "it should be obvious that no one has a 'right' to a security clearance," and "the clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials."[(30)] Accordingly, under *Egan,* Executive Order 10,865, and the Directive, any reasonable doubt about whether an applicant should be allowed access to classified information will be resolved in favor of protecting national security.

CONCLUSIONS

Section 1-Foreign Influence

Under Guideline B, a security concern may exist when an individual's immediate family, including cohabitants, and other persons to whom he or she may be bound by affection, influence, or obligation, are not citizens of the U.S. or may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Financial interests in other countries are also relevant if they make an individual potentially vulnerable to coercion, exploitation, or pressure.

In every security-clearance case an applicant's connections to any foreign country deserve careful examination.[(31)] Common sense suggests that such connections do not deserve the same level of scrutiny, however, as a foreign country whose interests are known to be hostile or inimical to the U.S., or a foreign country with an authoritarian or totalitarian government. I have merely reviewed Applicant's connections to the U.K., along with the other record evidence, with these commonsense principles and realities in mind.

Here, based on the record as a whole, the government has established its case under Guideline B. Disqualifying Condition (DC) 8[(32)] applies based on Applicant's financial interests in the U.K., which now consists of a retirement fund valued at about $50,000. His financial connections could create a potential to make Applicant vulnerable to coercion, exploitation, or pressure by undue foreign influence.[(33)] None of the other disqualifying conditions apply given the record evidence.

On the other hand, Applicant has eliminated all of his financial interests in the U.K. except for the retirement fund, which appears unlikely to happen due to legal restrictions. This asset is less than 9% of his net worth[(34)] and is minimal compared with Applicant's U.S. financial interests. Moreover, in the foreseeable future, the value of this asset should be a smaller percentage of his net worth because the U.S. financial interests should increase in value. Of course, like any rational person, Applicant is not anxious to lose $50,000. Nevertheless, he could walk away from the U.K. asset without materially harming or affecting his family's overall financial position. Accordingly, the remaining U.K. asset is not of such magnitude to affect Applicant's security responsibilities, and so, mitigating condition (MC) 5[(35)] applies in his favor. None of the other mitigating conditions apply given the record evidence.

For the sake of argument, had I granted Department Counsel's motion to amend the SOR, I would have applied DC 1[(36)] based on Applicant's immediate family members (mother, brother, and sister) who are British citizens residing in the U.K.[(37)] And as the record evidence currently stands, I would have applied MC 1[(38)] in Applicant's favor. Had the hearing been continued as I planned on ruling, I can only presume, based on counsel's good-faith representation, Applicant would have produced additional evidence about his immediate family members resulting in giving MC 1 additional weight. Given the record evidence, the security concerns posed by Applicant's immediate family members in the U.K. are, in my view, *de minimis*.

To conclude, considering the record evidence as a whole, Applicant has mitigated the foreign influence security concerns. Accordingly, I decide Guideline B for Applicant.

Section 2-Foreign Preference

Under Guideline C, the security concern is if a person acts in such a way as to indicate a preference for a foreign country over the U.S., then he or she may be prone to provide information or make decisions that are harmful to U.S. interests. In particular, the exercise of dual citizenship raises a security concern because it may indicate a preference for that foreign country. Mere possession of dual citizenship by itself, however, is not automatically a security concern. It depends on whether an applicant shows a preference for a foreign country through the active exercise of dual citizenship or through other actions.[(39)]

Here, based on the record evidence as a whole, the government has established its case under Guideline C. Applicant demonstrated a foreign preference, after obtaining U.S. citizenship, by possessing a British passport. The same is true for Applicant's one-time use of the British passport in May 2000. Both actions constitute exercising dual citizenship and deserve serious consideration. In addition, the remaining retirement fund is of some concern as well since it was funded, in part, by the U.K. government. These matters, coupled with Applicant's long-term British citizenship and other connections to the U.K., raise security concerns and justify applying DC 1,[(40)] 2,[(41)] and 4.[(42)] None of the other disqualifying conditions apply given the record evidence.

Turning to the mitigating conditions under Guideline C, MC 1,[(43)] 2,[(44)] and 4[(45)] apply in Applicant's favor. Each will be discussed in turn. First, MC 1 applies because Applicant's British citizenship is based on his birth in the U.K. as opposed to a case where an adult U.S. citizen obtains citizenship in another country.[(46)]

As Applicant put it during the hearing, he is British by birth, but American by choice. Second, MC 2 applies because Applicant's acceptance of retirement benefits from the British government, through the funding of his company pension plan, took place before he became a U.S. citizen. Moreover, the British retirement fund has not received contributions from any source since December 1992 when he left that job for his current employment. Accordingly, the conduct is far from recent. Third, MC 4 applies because Applicant has expressed a willingness to renounce his British citizenship. Because his willingness is conditional, however, I have given this mitigating condition only some weight. The remaining mitigating condition does not apply given the record evidence.

In addition to the formal mitigating conditions under Guideline C, Applicant also receives credit in mitigation by surrendering the British passport. By doing so, he has greatly reduced the potential risk of unverifiable foreign travel. Surrendering the British passport also makes it unlikely that his exercise of dual citizenship (by possessing and/or using a foreign passport) will continue or recur in the future. And surrendering the British passport demonstrates a preference for the U.S. over the U.K.

To sum up under Guideline C, Applicant lived and worked in the U.K. until the age of 33, and he used a British passport once after obtaining U.S. citizenship. Nevertheless, the totality of his actions clearly shows a genuine preference for the U.S. over the U.K. as demonstrated by the following:

- Deciding to make the U.S. his permanent home after his initial 18-month assignment.
- Marrying an American citizen in December 1991.
- Leaving his long-term employment with the British company in December 1992 and going to work for an American company in January 1993.
- Having two children, both native-born U.S. citizens, and not seeking dual citizenship for either child.
- Choosing to become a U.S. citizen and swearing allegiance to the U.S.
- Possessing and using a U.S. passport.
- Liquidating or eliminating his financial interests (with the noted exception), including his former residence, in the U.K.
- Building a home here.
- Participating in his state's prepaid college plan.
- Accumulating more than $500,000 in net worth in the U.S.
- Registering to vote and voting.
- Paying state and federal income taxes.
- Surrendering the British passport.

And it is my commonsense assessment that Applicant's ties or connections to the U.K., while significant at one time, are no longer a significant part of his life. Any remaining ties or connections to the U.K. are substantially outweighed by his significant connections to the U.S. Accordingly, I decide Guideline C for Applicant.

To conclude, after weighing the record evidence as a whole and giving substantial weight to the whole-person concept, Applicant has successfully mitigated the foreign influence and foreign preference security concerns. Applicant has overcome the case against him and satisfied his ultimate burden of persuasion as to obtaining a favorable clearance decision.

FORMAL FINDINGS

SOR ¶ 1-Guideline C: For the Applicant

Subparagraph a : For the Applicant

Subparagraph b: For the Applicant

SOR ¶ 2-Guideline B: For the Applicant

Subparagraph a : For the Applicant

Subparagraph b: For the Applicant

Subparagraph c: For the Applicant

DECISION

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

Michael H. Leonard

Administrative Judge

1. This action was taken under Executive Order 10,865 and DoD Directive 5220.6 (Jan. 2, 1992, Change 4, Apr. 20, 1999) [hereinafter called "Directive"].

2. Transcript at pp. 170-71.

3. Transcript at pp. 184-85.

4. Transcript at pp. 190-93.

5. Transcript at pp. 222-23.

6. Exhibit A at Tabs 50 and 51.

7. Exhibit 1.

8. Exhibit 2.

9. Memorandum from the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, Subject: Guidance to DoD Central Adjudication Facilities (CAF) Clarifying the Application of the Foreign Preference Adjudicative Guideline, dated Aug. 16, 2000, signed by Arthur L. Money.

10. Exhibit A at Tab 29.

11. Transcript at p. 142.

12. Exhibit A at Tabs 15 and 17.

13. Exhibit A at Tab 17.

14. Exhibit A at Tab 19.

15. Exhibit A at Tab 18.

16. Transcript at p. 125 ("I am willing to renounce my citizenship if required, yes.").

17. Transcript at pp. 127-29.

18. Exhibit A at Tabs 39-62.

19. Exhibit A at Tab 56.

20. Although I was not asked to take administrative notice, these are matters known to the agency through its expertise in deciding security-clearance cases involving foreign influence or preference. *See* ISCR Case No. 99-0452 (March 21, 2000) at p. 4.

21. Directive, Enclosure 2, Attachment 2.

22. Directive, Enclosure 2, Attachment 3.

23. ISCR Case No. 96-0277 (July 11, 1997) at p. 2.

24. ISCR Case No. 97-0016 (December 31, 1997) at p. 3; Directive, Enclosure 3, Item E3.1.14.

25. *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988).

26. ISCR Case No. 01-20700 (December 19, 2002) at p. 3 (citations omitted).

27. ISCR Case No. 98-0761 (December 27, 1999) at p. 2.

28. ISCR Case No. 94-1075 (August 10, 1995) at pp. 3-4; Directive, Enclosure 3, Item E3.1.15.

29. ISCR Case No. 93-1390 (January 27, 1995) at pp. 7-8; Directive, Enclosure 3, Item E3.1.15.

30. *Egan*, 484 U.S. at 528, 531.

31. *See* ISCR Case No. 97-0699 (November 24, 1998) at p. 3 (Nothing in Guidelines B or C "requires that the foreign country in question have interests that are inimical to the interests of the United States.").

32. "A substantial financial interest in a country, or in any foreign-owned or -operated business that could make the individual vulnerable to foreign influence."

33. *See* ISCR Case No. 99-0511 (December 19, 2000) at pp. 10-11 (foreign influence issues are not limited to situations involving coercive means of influence; rather, they can include situations where an applicant may be vulnerable to non-coercive means of influence).

34. $50,000 ÷ $570,000 = 0.0877192 or 8.77%.

35. "Foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities."

36. "An immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a foreign country."

37. *See* ISCR Case No. 98-0507 (May 17, 1999) at pp. 10-11 (discussing various facets of security significance of family ties in a foreign country).

38. "A determination that the immediate family member(s), (spouse, father, sons, daughters, brothers, sisters), cohabitant, or associate(s) in question are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person(s) involved and the United States."

39. ISCR Case No. 98-0252 (September 15, 1999) at p. 5 ("[T]he issue is not whether an applicant is a dual national, but rather whether an applicant shows a preference for a foreign country through actions.").

40. "The exercise of dual citizenship."

41. "Possession and/or use of a foreign passport."

42. "Accepting educational, medical, or other benefits, such as retirement and social welfare, from a foreign country."

43. "Dual citizenship is based solely on parents' citizenship or birth in a foreign country."

44. "Indicators of possible foreign preference (e.g., foreign military service) occurred before obtaining United States citizenship."

45. "Individual has expressed a willingness to renounce dual citizenship."

46. ISCR Case No. 99-0452 (March 21, 2000) at pp. 2-3 (Modifying its earlier rulings, the Appeal Board concluded the literal language of MC 1 allows it to be applied even when an applicant exercises their foreign citizenship after becoming a U.S. citizen).