

DATE: November 3, 2003

In Re:

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SSN: -----

Applicant for Security Clearance

ISCR Case No. 02-07173

**DECISION OF ADMINISTRATIVE JUDGE**

**ELIZABETH M. MATCHINSKI**

**APPEARANCES**

**FOR GOVERNMENT**

Rita C. O'Brien, Esq., Department Counsel

**FOR APPLICANT**

*Pro Se*

**SYNOPSIS**

A native of Egypt, Applicant exercised a benefit of that foreign citizenship after he became a U.S. citizen in May 2000. He renewed his Egyptian passport to avoid the inconvenience associated with obtaining a visa to travel to Egypt on his U.S. passport and for the financial savings afforded to Egyptian-citizen tourists when in Egypt. Foreign preference concerns are mitigated by his surrender of his foreign passport and demonstrated intent to pursue his life as a U.S. citizen. The foreign citizenship, and in some cases the foreign residency, of close family members presents little risk of undue foreign influence. None are agents of a foreign power or in a position where they are likely to be exploited by a foreign power. Clearance is granted.

**STATEMENT OF THE CASE**

On January 6, 2003, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to the Applicant. The SOR detailed reasons why DOHA could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for the Applicant. [\(1\)](#) DOHA recommended referral to an Administrative Judge to conduct proceedings and determine whether clearance should be granted, continued, denied, or revoked. The SOR was based on foreign preference (Guideline C) and foreign influence (Guideline B) concerns.

On January 28, 2003, Applicant executed an Answer to the SOR and requested a hearing before a DOHA Administrative Judge. The case was assigned to me on May 13, 2003, and a hearing was scheduled for June 12, 2003. At the hearing held as scheduled, the Government submitted two exhibits, and Applicant two exhibits. Testimony was taken from Applicant and his spouse, as reflected in a transcript received by DOHA on July 8, 2003. On the Government's motion and with no objection by Applicant, the SOR was amended at the hearing to add the following subparagraph under Guideline C:

1.c. You exercised your dual citizenship by renewing your Egyptian passport in November of 2000 and by using it to

enter and exit Egypt in December of 2000, even though you had become a United States citizen as of May 2000.

Also at the Government's request, administrative notice was taken of a U.S. Department of State Consular Information Sheet on Egypt dated April 8, 2003.

### FINDINGS OF FACT

The Government alleges foreign preference concerns because of the exercise by Applicant of dual citizenship (U.S. and Egypt), including his renewal and retention of an Egyptian passport after he became a U.S. citizen, and foreign influence concerns related to the Egyptian citizenship and residency of his father, stepmother, and a sister and a brother, the dual citizenship (U.S. and Egypt) of two other sisters, and the Australian residency and dual citizenship (Australia and Egypt) of another brother. Applicant submits he remains a citizen of Egypt by operation of Egyptian law, and he admits to renewal and retention of his Egyptian passport primarily for convenience until he surrendered it on learning from the Defense Security Service (DSS) that he could not obtain a security clearance if he possessed a foreign passport. He admits the foreign citizenship and/or residency of his parents and siblings, but maintains his allegiance is solely to the U.S. After a complete and thorough review of the evidence of record, and upon due consideration of the same, I make the following findings of fact:

Applicant is a 40-year-old systems engineer with a doctorate degree awarded in August 2000. Employed since mid-June 2001 by a defense contractor, he requires a security clearance for his duties.

Applicant was born in Egypt in 1963. The youngest of five children born to a civil servant employed by the Egyptian government, Applicant was raised with his two brothers (born in 1960 and 1962) and three sisters (born in 1955, 1956, and 1958) in Egypt. On earning his bachelor's degree from an Egyptian university, Applicant was employed as a control engineer in Egypt for a public (government-owned) utility company for about a year. In August 1986, Applicant went to work as a service engineer for a U.S. corporation in Egypt.

By the late 1980s, Applicant's middle sister had emigrated to the U.S. In December 1989, Applicant came to the U.S. as a tourist to visit this sister. While he was in the U.S., he applied for adjustment of his status and he subsequently began graduate study in the U.S. (2) He earned his master's degree in electrical engineering from a technological university in the U.S. in May 1993. In December 1994, Applicant married a U.S. native citizen in the U.S., and he became a U.S. permanent resident in 1995.

In December 1995, Applicant and his spouse traveled to Egypt to visit family members, including his father, stepmother, and siblings. His oldest brother, who had emigrated to Australia in 1991, came to Egypt during their stay. Applicant traveled to Egypt on his Egyptian passport renewed by the Egyptian consulate in the U.S. in June 1993. When in Egypt, Applicant closed his bank account there. In July 1996, Applicant and his spouse traveled to Australia to visit his brother and to attend their three-year-old nephew's funeral. Applicant subsequently traveled to Egypt without his spouse to visit his family for the Christmas holidays in December 1996 and December 1998.

In July 1999, Applicant and his spouse had a son born to them in the U.S. Under Egyptian law, their son automatically acquired Egyptian citizenship by virtue of his birth to an Egyptian citizen. Applicant made no effort to register his son's birth with the Egyptian consulate in the U.S., or to acquire an Egyptian passport for his son.

While employed as an assistant professor at a local college in the U.S., Applicant earned his doctorate degree in electrical engineering in August 1999. In April 2000, Applicant commenced employment as a systems engineer for a commercial technology company in the U.S. In late May 2000, Applicant became a U.S. naturalized citizen, taking an oath to renounce all foreign allegiances, to support and defend the U.S. Constitution and its laws, and to bear arms or noncombatant service or civilian service on behalf of the U.S. if required. (3)

In July 2000, Applicant was issued his U.S. passport, valid for ten years. In preparation for a planned trip to Egypt with his immediate family (spouse and son), Applicant had his Egyptian passport reissued by the Egyptian consulate in the U.S. in November 2000. Applicant elected to retain an Egyptian passport primarily for convenience in that he would not have to travel to the geographically distant Egyptian consulate to obtain a visa for entry to Egypt, but also for the

financial savings afforded Egyptian citizens at tourist locales in Egypt. Applicant was advised by the Egyptian consular authorities to obtain an Egyptian passport for his son, which he did not do because his spouse was against it. In December 2000, Applicant traveled with his family to Egypt on his Egyptian passport. During their two-week stay, Applicant presented his Egyptian passport at a resort area to save from paying taxes levied on foreign tourists. Applicant saw nothing wrong with renewing and traveling on his Egyptian passport as a dual citizen of Egypt and the U.S. since he was not working for a defense contractor and the U.S. recognizes dual citizenship.

With the economic downturn, Applicant turned to the government sector for work. In mid-June 2001, he began working for his present employer, which meant a relocation for the family away from his sister who had supported him in his efforts to study in the U.S. Needing a security clearance for his duties, Applicant executed a security clearance application (SF 86) on August 7, 2001. He disclosed the dual citizenship (U.S. and Egypt) of himself and his two sisters residing in the U.S.; the Egyptian citizenship and residency of his mother, stepmother, one brother and one sister; and the dual citizenship (Australia and Egypt) of his other brother. He indicated he had an Egyptian passport, but only until June 2000 ("Before obtaining my US citizenship, I had an Egyptian passport which I renewed at the Egyptian consult [sic] . . . "). Applicant reported his past employment with the electric company in Egypt during the 1986/87 time frame in response to whether he had ever been employed by or acted as a consultant for a foreign government, firm, or agency.

Sometime in late November/early December 2001, Applicant admitted to a Defense Security Service (DSS) special agent that he held an Egyptian passport, reissued in November 2000. Informed he could not retain a foreign passport, Applicant shortly thereafter attempted to relinquish his foreign passport to the Egyptian consulate. Advised his request to surrender the travel document was "highly irregular," Applicant was told the consulate had no procedures or instructions to relinquish the passport absent evidence the passport holder was a criminal or terrorist.

Four days after he went to the Egyptian consulate to attempt surrender of the passport, Applicant was interviewed by the DSS agent about his foreign citizenship, foreign relatives, and attempt to give up the foreign passport. Applicant indicated he would always be considered by Egypt to be a citizen of that nation. He related a willingness to relinquish his Egyptian passport should he receive instructions on how to accomplish it. Citing his marriage to a U.S. (native) citizen, his ownership of a home in the U.S., and his gainful employment in the U.S., Applicant related his complete allegiance is to the U.S. where his future lies and he indicated he would bear arms for the U.S., even against Egypt. Applicant acknowledged potential vulnerability to coercion or blackmail because of the presence of family members in Egypt and Australia, but denied he would compromise a position of trust, even if it meant harm to his family members abroad.

In mid-January 2002, Applicant voluntarily surrendered his Egyptian passport to the Egyptian consulate. In February 2003, Applicant went to Egypt on his U.S. passport to attend the funeral of his stepmother. Eligible to reapply for an Egyptian passport, Applicant is willing to comply with the Defense Department requirements. He has no intent to reacquire the foreign passport as long as he is employed by a defense contractor or is otherwise advised by the U.S. government to travel only as a U.S. citizen.

Applicant has close feelings of affection for his father (retired since 1980) and siblings, especially the brother closest in age. As of June 2003, this brother was living with his father in Egypt. In addition to traveling to Egypt on average once every two years to see them, Applicant talks to his brother in Egypt by telephone once to twice per month. Meaningful communication with his father is limited as his father suffers from Alzheimer's disease. Applicant's brother has substantial financial assets in Egypt. In the laundry detergent distribution business, Applicant's brother owns stores and trucks used in the operation of his business, as well as an apartment building and the condominium in which he resides.

Applicant's sister, who lives about 90 miles away from her father, is a civil engineer for her local municipality. She comes in contact with Egyptian government officials in her job. Applicant visits with her at their father's home when he is in Egypt, but their contact is otherwise limited to a Christmas card and a rare telephone call. In the last two years, he has spoken to her by telephone once. Her spouse is a safety trainer with the long distance electric cable network in Egypt. He stayed with Applicant in the U.S. for four or five days in the late 1990s when on a trip to Canada for training.

Applicant's brother in Australia is a civil engineer who owns a company specializing in the design of steel joints. Applicant is in contact with this brother once every two or three months by telephone. In addition to seeing his brother

in Australia in 1996, Applicant hosted him in the U.S. in April 1999.

Before they moved for Applicant's job with the defense firm, Applicant and his spouse and son got together regularly with his sister who lived in the same area in the U.S. Since June 2001, they went back to see Applicant's sister and her children one time. Applicant and his immediate family spent one week with Applicant's other sister in the U.S. in summer 2001 and they attended her daughter's wedding in summer 2002.

Applicant is financially independent from his foreign relatives. Applicant realized a share from his father's sale of a farm in Egypt. He used the funds to purchase his home in the U.S.

## **POLICIES**

The adjudication process is based on the whole person concept. All available, reliable information about the person, past and present, favorable and unfavorable, is to be taken into account in reaching a decision as to whether a person is an acceptable security risk. Enclosure 2 to the Directive sets forth adjudicative guidelines which must be carefully considered according to the pertinent criterion in making the overall common sense determination required. Each adjudicative decision must also include an assessment of the nature, extent, and seriousness of the conduct and surrounding circumstances; the frequency and recency of the conduct; the individual's age and maturity at the time of the conduct; the motivation of the individual applicant and extent to which the conduct was negligent, willful, voluntary or undertaken with knowledge of the consequences involved; the absence or presence of rehabilitation and other pertinent behavioral changes; the potential for coercion, exploitation and duress; and the probability that the circumstances or conduct will continue or recur in the future. *See* Directive 5220.6, Section 6.3 and Enclosure 2, Section E2.2. Because each security case presents its own unique facts and circumstances, it should not be assumed that the factors exhaust the realm of human experience or that the factors apply equally in every case. Moreover, although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility or emotionally unstable behavior. *See* Directive 5220.6, Enclosure 2, Section E2.2.4.

Considering the evidence as a whole, this Administrative Judge finds the following adjudicative guidelines to be most pertinent to this case:

### **Foreign Preference**

E2.A3.1.1. The 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.

E2.A3.1.2. Conditions that could raise a security concern and may be disqualifying include:

E2.A3.1.2.1. The exercise of dual citizenship

E2.A3.1.2.2. Possession and/or use of a foreign passport

E2.A3.1.3. Conditions that could mitigate security concerns include:

E2.A3.1.3.1. Dual citizenship is based solely on parents' citizenship or birth in a foreign country

E2.A3.1.3.2. Indicators of possible foreign preference occurred before obtaining United States citizenship

E2.A3.1.3.4. Individual has expressed a willingness to renounce dual citizenship

### **Foreign Influence**

E2.A2.1.1. The Concern: A security risk 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 United States

or may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation or pressure.

E2.A2.1.2. Conditions that could raise a security concern and may be disqualifying include:

E2.A2.1.2.1. 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

E2.A2.1.2.3. Relatives . . . who are connected with any foreign government

E2.A2.1.3. Conditions that could mitigate security concerns include:

E2.A2.1.3.1. A determination that the immediate family member(s), (spouse, father, mother, 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.

Under Executive Order 10865 as amended and the Directive, a decision to grant or continue an applicant's clearance may be made only upon an affirmative finding that to do so is clearly consistent with the national interest. In reaching the fair and impartial overall common sense determination required, the Administrative Judge can only draw those inferences and conclusions which have a reasonable and logical basis in the evidence of record. In addition, as the trier of fact, the Administrative Judge must make critical judgments as to the credibility of witnesses. Decisions under the Directive include consideration of the potential as well as the actual risk that an applicant may deliberately or inadvertently fail to properly safeguard classified information.

#### Burden of Proof

Initially, the Government has the burden of proving any controverted fact(s) alleged in the Statement of Reasons. If the Government meets its burden and establishes conduct cognizable as a security concern under the Directive, the burden of persuasion then shifts to the applicant to present evidence in refutation, extenuation or mitigation sufficient to demonstrate that, despite the existence of criterion conduct, it is clearly consistent with the national interest to grant or continue his security clearance.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. Where the facts proven by the Government raise doubts about an applicant's judgment, reliability or trustworthiness, the applicant has a heavy burden of persuasion to demonstrate that he is nonetheless security worthy. As noted by the United States Supreme Court in *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988), "the clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials." Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security. See Enclosure 2 to the Directive, Section E2.2.2.

#### CONCLUSIONS

Having considered the evidence of record in light of the appropriate legal precepts and factors, and having assessed the credibility of those who testified, I conclude the following with respect to Guidelines C and B:

Guideline C is based on actions taken by an individual that indicate a preference for a foreign country over the U.S. (4) A native of Egypt, Applicant retains status as a citizen of Egypt absent presidential authorization to abandon Egyptian nationality. (5) One's status as a dual national is not necessarily indicative of a foreign preference (See E2.A3.1.3.1., dual citizenship based on birth in a foreign country as mitigating of foreign preference concerns). While the U.S. Government does not encourage its citizens to remain dual nationals because of the complications that might ensue from obligations owed to the country of second nationality, the Department of Defense does not require the renunciation of foreign citizenship to gain access. Dual citizenship may involve nothing more than the factual application of the laws of

two sovereign nations, as when an individual is willing to give up the non-U.S. citizenship but be prohibited from doing so under foreign law. In any case, there must be adequate assurances that a dual citizen will not actively exercise or seek rights, benefits, or privileges of that foreign citizenship.

Applicant's use, as a permanent resident of the US, of his Egyptian passport to travel abroad was not an active exercise of dual citizenship within E2.A3.1.2.1. (exercise of dual citizenship) and does not raise foreign preference concerns (*see* E2.A3.1.3.2.). However, renewal and use of a foreign passport after acquisition of U.S. citizenship is potentially disqualifying under Guideline C (*see* E2.A3.1.2.2.). In November 2000, Applicant went to the Egyptian consulate with his then expired passport and had it renewed to avoid having to obtain visas for future travel to Egypt. He not only entered Egypt on this passport in December 2000, but used it to obtain lower cost lodging when vacationing with his family as a tourist in Egypt. By using his foreign passport and acceptance of a benefit unavailable to non-Egyptians, he actively exercised his dual citizenship. As clarified by the ASDC3I in August 2000, possession of a foreign passport could facilitate foreign travel unverifiable by the United States. [\(6\)](#)

To his credit, Applicant went to the consulate within days of learning from the DSS agent that possession of a foreign passport was not permitted (absent official U.S. Government approval). Initially informed his request was highly irregular, Applicant returned to the consulate in January 2002 and voluntarily surrendered his foreign passport. The surrender of the foreign passport reflects a willingness to comply with Department of Defense policies, but it is only one factor to consider in determining whether Applicant can be counted on to serve only U.S. interests in the future. As recently as December 2000, Applicant placed his personal interests (convenience and cost savings) ahead of his obligations as a U.S. citizen. He bears a heavy burden of proving a clear preference for the U.S., notwithstanding he was unaware until notified by the DSS agent of the security risks presented by the possession and use of a foreign passport.

Under the Directive, foreign preference concerns can be mitigated by an expressed willingness to renounce foreign citizenship (*see* E2.A3.1.3.4.). Applicant has repeatedly indicated there is nothing he can do about his Egyptian citizenship, which suggests he would renounce if free to do so. He has expressed a willingness to bear arms for the U.S., even as against Egypt. Such untested, speculative statements are entitled to little weight. More telling of his preference is his continuous residency in the U.S. since he came as a foreign student, his marriage to a U.S. native citizen, the absence of any effort on his part to register his son's birth with the Egyptian consulate or to obtain an Egyptian passport for his son, his closure of his bank account in Egypt, his ownership of his home in the U.S., and pursuit of his career in the U.S. Although he remains eligible to reapply for an Egyptian passport, I am persuaded Applicant will not acquire one. Subparagraphs 1.a., 1.b., and 1.c. of the SOR (as amended) are resolved in his favor.

Under Guideline B, a security risk may exist when an individual's immediate family, including cohabitants, and other persons to whom he is bound by affection, influence, or obligation are not citizens of the U.S. or may be subject to duress. Applicant's father and two siblings (one brother and one sister) are resident citizens of Egypt. Another brother is a dual citizen of Australia and Egypt residing in Australia. Even those sisters (and apparently also his son) who live in the U.S. are within reach of Egyptian authorities by virtue of their dual citizenship status. Applicant's situation clearly falls within disqualifying condition E2.A2.1.2.1. ( 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). Furthermore, since his sister in Egypt is directly employed by her local municipality, E2.A2.1.2.3. (relatives connected with a foreign government) must also be considered.

The security concerns engendered by the foreign citizenship of close family members may be mitigated where it can be determined that they 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 (*see* E2.A2.1.3.1.). Not all government employees are agents of a foreign power. There is nothing of record which indicates Applicant's father, who worked in food distribution in Egypt until his retirement in 1980, or his sister who presently works as an engineer at the local government level, has ever held a position of influence or authority in the Egyptian government, military, or intelligence services.

Applicant having admitted that his sister's duties as a municipal engineer in Egypt bring her into contact with government officials, he bears an especially heavy burden to demonstrate his close family members are not in a position to be exploited by a foreign power, however. The risk of undue foreign influence must be evaluated in terms of the

possible vulnerability to both coercive and non coercive means of influence being brought to bear on, or through, family members subject to the laws of a foreign nation, whether or not physically within the foreign jurisdiction. Countries that have good relations with the U.S. and respect the rule of law are generally regarded as presenting less of a risk than totalitarian regimes with a record of human rights abuses and hostility to the U.S., although the particular circumstances of each case must be taken into account.

With respect to Applicant's brother in Australia (a country historically friendly with the U.S.) and his two sisters in the U.S., their Egyptian citizenship is seen as presenting little risk. Applicant's brother owns a successful start-up business in Australia where he has lived since 1991. Applicant traveled to Australia with his wife on the occasion of his nephew's untimely death in 1996 and his brother visited them in the U.S. in April 1999, but their contacts of late have been limited to telephone calls once every two to three months. Applicant's sisters in the U.S. have acquired U.S. citizenship. With their established roots in the U.S., they are unlikely foreign targets.

Egypt and the U.S. enjoy what the U.S. State Department describes as a "strong and friendly relationship based on shared mutual interest in Middle East peace and stability, revitalizing the Egyptian economy and strengthening trade relations, and promoting regional security."<sup>(7)</sup> Concerns about any connections with, or undue influence from, Egyptian government officials through Applicant's father are minimal, since his father suffers from dementia and has been retired from his civil service position since 1980. While Applicant's sister presents perhaps a greater risk of being exploited by virtue of her current local government job, Applicant does not have a particularly close relationship with her, as evidenced by their limited contact. Although she makes an effort to visit Applicant when he comes to Egypt, he has spoken to her by telephone only once in the last two years. Applicant shares a closer bond with his brother in Egypt. They have regular telephone contact and Applicant's trips to Egypt have been for the express purpose of visiting this brother as well as his parents (including stepmother before her death in February 2003). Applicant's brother has substantial financial assets as owner of a detergent distribution business and an apartment building. His commercial endeavors may raise his visibility with respect to the Egyptian authorities, but there is no indication of any untoward attention paid to Applicant's brother or his activities to date. Should undue pressure be placed on any of Applicant's foreign relatives in Egypt, I am persuaded Applicant would report to proper authorities in the U.S. any contacts, request or threats by foreign authorities or individuals. Applicant is invested financially, occupationally and emotionally in the U.S. He is not likely to jeopardize the security of those closest to him (his U.S. native-born spouse and son) by succumbing to any foreign pressure. Favorable findings are warranted with respect to subparagraphs 2.a., 2.b., 2.c. and 2.d. of the SOR.

### **FORMAL FINDINGS**

Formal Findings as required by Section 3. Paragraph 7 of Enclosure 1 to the Directive are hereby rendered as follows:

Paragraph 1. Guideline C: FOR THE APPLICANT

Subparagraph 1.a.: For the Applicant

Subparagraph 1.b.: For the Applicant

Subparagraph 1.c.: For the Applicant

Paragraph 2. Guideline B: FOR THE APPLICANT

Subparagraph 2.a.: For the Applicant

Subparagraph 2.b.: For the Applicant

Subparagraph 2.c.: For the Applicant

Subparagraph 2.d.: 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.

**Elizabeth M. Matchinski**

**Administrative Judge**

1. The SOR was issued under pursuant to Executive Order 10865 (as amended by Executive Orders 10909, 11328 and 12829) and Department of Defense Directive 5220.6 (Directive), dated January 2, 1992 (as amended by Change 4).
2. On his SF 86, Applicant indicated he worked as a service engineer for the U.S. copier manufacturing company in Egypt until late January 1991. (Ex. 1). He testified at his hearing that he left Egypt in December 1989 however. (Transcript p. 46).
3. The Government alleged Applicant's date of U.S. naturalization as July 2000, which is when he was issued a U.S. passport. Applicant has consistently maintained as reflected on his SF 86 that he became a U.S. citizen in late May 2000. Administrative pleadings are sufficient if they place Applicant on notice of the conduct raising security concern.
4. Dual citizenship is recognized by the United States, and a decision to deny or revoke security clearance based solely on one's status as a dual citizen would raise constitutional issues. As the DOHA Appeal Board articulated (ISCR Case No. 99-0454, October 17, 2000), dual citizenship in and of itself is not sufficient to warrant an adverse security clearance decision. Under Guideline C, the issue is whether an applicant has shown a preference through his actions for the foreign country of which he is also a citizen. Among the specific behaviors which raise significant Guideline C issues is possession/use of a foreign passport.
5. Applicant indicates there is nothing he can do about his Egyptian citizenship. Egyptian law provides for voluntary renunciation, but only where the person has obtained presidential authorization to abandon Egyptian nationality. In cases where authorization is not obtained, dual citizenship can exist by default. While grounds for involuntary renunciation exist (which include voluntary obtaining foreign citizenship and taking permanent residency abroad as Applicant has done), a presidential decree is required in all cases of loss of citizenship. *See Citizenship Laws of the World*, U.S. OPM Investigations Service, IS-1, dated arch 2001. The acquisition of U.S. citizenship did not automatically revoke Applicant's Egyptian citizenship, as evidenced by the reissuance to Applicant of his Egyptian passport in November 2000.
6. In his memorandum of August 16, 2000, the Assistant Secretary of Defense for Command, Control, Communications and Intelligence (ASDC3I) stated, in pertinent part:  
  
The purpose of this memorandum is to clarify the application of Guideline C to cases involving an applicant's possession or use of a foreign passport. The Guideline specifically provides that "possession and/or use of a foreign passport" may be a disqualifying condition. It contains no mitigating factor related to the applicant's personal convenience, safety, requirements of foreign law, or the identity of the foreign country. The only applicable mitigating factor addresses the official approval of the United States Government for the possession or use. The security concerns underlying this guideline are that the possession and use of a foreign passport in preference to a U.S. passport raises doubt as to whether the person's allegiance to the United States is paramount and it could also facilitate foreign travel unverifiable by the United States. Therefore, consistent application of the guideline requires that any clearance be denied or revoked unless the applicant surrenders the foreign passport or obtains official approval for its use from the appropriate agency of the United States Government.
7. *See* the U.S. State Department's Background Note on Egypt, published by the Department's Bureau of Near Eastern Affairs in June 2002.