

KEYWORD: Foreign Preference; Foreign Influence

DIGEST: Applicant, a native of the Republic of Turkey, was naturalized in the U.S. in January 1987. A continuous resident of the U.S. since 1977, he possessed an expired Turkish passport that he turned in to border control in Turkey on a visit to see his mother in 2002. He owns property in Turkey that he inherited with his sister on the death of his father in November 1998, and he receives a monthly stipend from the government of Turkey for past service in Turkey's military performed before he became a U.S. citizen. His financial and personal connections to Turkey continue to raise foreign preference and foreign influence concerns. Clearance is denied.

CASENO: 02-28436.h1

DATE: 02/01/2005

DATE: February 1, 2005

In Re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 02-28436

DECISION OF ADMINISTRATIVE JUDGE

ELIZABETH M. MATCHINSKI

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant, a native of the Republic of Turkey, was naturalized in the U.S. in January 1987. A continuous resident of the U.S. since 1977, he possessed an expired Turkish passport that he turned in to border control in Turkey on a visit to see his mother in 2002. He owns property in Turkey that he inherited with his sister on the death of his father in November 1998, and he receives a monthly stipend from the government of Turkey for past service in Turkey's military performed before he became a U.S. citizen. His financial and personal connections to Turkey continue to raise foreign preference and foreign influence concerns. Clearance is denied.

STATEMENT OF CASE

On January 8, 2004, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to the Applicant which 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).

On January 21, 2004, Applicant submitted a preliminary response to the SOR in which he informed DOHA that his employer had withdrawn his interim security clearance at his request, and that his native country of Turkey had always been a reliable ally of the U.S. On February 18, 2004, Applicant submitted a responsive Answer to the allegations in the SOR, and requested a hearing before a DOHA Administrative Judge. The case was assigned to me on May 5, 2004, and pursuant to formal notice of that date, a hearing was scheduled for May 27, 2004.

At the hearing held as scheduled, two Government exhibits (Ex. 1 and 2) and five Applicant exhibits (Ex. A-E) were entered into the record and testimony was taken from the Applicant, as reflected in a transcript received June 7, 2004. At the request of the Government, I agreed to take administrative notice of the U.S. Department of State Consular

Information Sheet on Turkey dated March 23, 2004, and a Congressional Research Service Report for Congress titled *Turkey: Issues for U.S. Policy*, dated May 22, 2002. The record was held open until June 7, 2004, for Applicant to submit additional documentation.

On June 3, 2004, Applicant timely submitted a letter from him to the U.S. Embassy in Ankara, Turkey (Ex. F) and four character reference letters (Ex. G).⁽²⁾ Department Counsel had no objection to their inclusion, so they were marked and entered accordingly. On July 22, 2004, Applicant sought the admission of two additional documents, including a response to his letter from the U.S. Embassy that had apparently been misdelivered. Department Counsel having indicated on July 26, 2004, that he had no objection, and the late submission being due to factors outside of Applicant's control, the documents were accepted into the record as Exhibits H and I.

FINDINGS OF FACT

The SOR alleges foreign preference concerns related to Applicant's dual citizenship with the U.S. and Turkey; Applicant's reluctance to return his expired foreign passport to Turkish authorities; Applicant maintaining his Turkish citizenship to retain ownership of property in Turkey; and Applicant's receipt of \$100 per month from the Turkish government for his past military service for Turkey and entitlement to free medical service in Turkey. Foreign influence concerns are also alleged because of the Turkish residency and citizenship of Applicant's mother and other relatives, including two cousins who are retired Turkish Navy officers; the residency in Turkey of his sister; Applicant's association with six classmates from the Turkish Naval Academy who are now employed and working in the U.S.; Applicant's travel to Turkey eight times from 1989 through 2001; and Applicant's ownership of a summer house, an apartment, a house and an acre of land in Turkey. In his Answer, Applicant admitted with explanation all the allegations with the exception of the active exercise of Turkish citizenship and being reluctant to return his foreign passport (1.a. and 1.b. under foreign preference). He maintained he had exercised U.S. citizenship only since his naturalization in January 1987, and had returned his expired Turkish passport to the passport control officer in Turkey during a visit to see his mother in September 2002. Applicant's admissions are accepted, and incorporated as findings of fact. After a complete and thorough review of the evidence of record, and upon due consideration of the same, I make the following additional findings of fact:

Applicant is a 51-year-old principal electrical engineer at a defense contractor's radar design facility. He has worked for the defense firm since January 2001 and held an interim secret clearance for his duties there until it was withdrawn at his request in early 2004.

Applicant is the younger of two children born to a Turkish naval officer who attained the rank of admiral before his retirement in 1974. His sister (now 63 years of age) came to the U.S. in 1964 to study psychology. Applicant decided to follow in his father's footsteps, and after graduating from a naval high school, he attended Turkey's naval academy from August 1968 to August 1974. He spent the next two and a half years as a commissioned officer, studying naval gunnery, serving on minesweepers and destroyers and then as a damage control officer for an assault ship. When the period of

obligatory military service for academy graduates was extended from four to fifteen years, Applicant decided to leave the Navy. With some assistance from his father, Applicant obtained an honorable discharge in March 1977. He has since received a monthly stipend of \$100 to \$200 per month from the Turkish government for his military service that he has deposited into an account in Turkey.

After he was discharged from the Turkish Navy, Applicant came to the U.S. to complete his bachelor of science degree in electrical engineering. Applicant entered the U.S. on a passport issued to him by his native Turkey in February 1977. That passport, valid for two years, was extended to February 1987 through the Turkish Consulate in the U.S. With the funds to cover only one year of his studies, Applicant obtained a temporary work visa that allowed him to work as a field service technician for a power company while pursuing his degree.

In May 1980, Applicant married his spouse, a native of Northern Ireland and therefore a citizen of the United Kingdom (UK) who was naturalized in the U.S. in August 1964. He had met her in Turkey in 1975 where her first husband was serving in the U.S. military. After he was awarded his B.S.E.E. in August 1980, his employer transferred him into the engineering department as a project engineer where he worked for the next ten years.

Applicant traveled to Turkey on five occasions between June 1981 and October 1985 to see his parents. In mid-January 1987, Applicant became a U.S. naturalized citizen, taking an oath to renounce all foreign allegiances, to support and defend the United States Constitution and its laws, and to bear arms or noncombatant service or civilian service on behalf of the United States if required. In early February 1987, Applicant acquired his U.S. passport. His Turkish passport expired nine days later. He took no steps to renew it as he had become a U.S. citizen and had a U.S. passport. Applicant has traveled exclusively on his U.S. passport since, including on trips to Turkey in October 1989, April 1993, November 1996, July 1997, late March 1998, November 1998 (for his father's funeral), November 1999, October 2001, and again in September 2002.

In 1991 Applicant found himself without a job when the corporate parent closed his division. Offered a job about 1,200 miles away, Applicant and his spouse moved to another state where he worked for a succession of power/engineering companies over the next nine years, excepting a brief six month period in 1997/98 where he worked on a project in his previous locale. None of these jobs required a security clearance.

On the death of his father in November 1998, Applicant inherited 75 percent of his estate, consisting of three properties in Turkey, then worth about \$200,000--the apartment where his mother resides, a three-story home with an acre of land, and a summer house that is closed in the winter⁽³⁾--and about \$100,000 on cash deposit in a bank in Turkey. In 1999, the house with the acreage was severely damaged in an earthquake to the extent that the authorities want to condemn the building. Applicant's cousin has since negotiated on Applicant's behalf in an effort to avoid the condemnation so he can have the premises repaired.

In January 2001, Applicant started working for his present employer. Needing a security clearance for his duties, Applicant completed a security clearance application (SF 86) on March 13, 2001. Applicant indicated he was a dual citizen of the U.S. and Turkey since his U.S. naturalization in January 1987; his mother, a Turkish citizen, and his sister, a dual citizen of the U.S. and Turkey, were residing together in Turkey; he owned an apartment and summer home in Turkey inherited from his father; and he had traveled to Turkey four times in the last seven years. Applicant was given an interim secret clearance for his duties.

On February 12, 2002, Applicant was interviewed by a Defense Security Service (DSS) special agent about his dual citizenship, foreign connections, and foreign travel. When Applicant presented his expired Turkish passport, the agent called the Turkish Embassy and was informed that return of a Turkish passport to the Embassy revokes Turkish citizenship, whether or not the passport is expired. Applicant expressed reluctance (he could not give the agent a "yes" or "no" answer) to relinquish his Turkish citizenship if it meant losing his inheritance from his father, specifically the apartment and summer house with a combined value of approximately \$200,000 USD. While he also inherited a three-story house with one acre of land, it had been damaged in a 1999 earthquake so its value was uncertain. He related an intent to determine whether he could retain his inheritance under Turkish law if he was no longer a citizen of Turkey. Applicant also discussed his spouse's dual citizenship with the UK and the U.S., and his contacts with family members residing in Turkey, including his mother, whom he telephones weekly and visits about once yearly, his sister, and several cousins. Applicant disclosed ongoing contacts with six classmates from the Turkish naval academy who live in the U.S, whom he believes are U.S. naturalized citizens. When asked about any benefits from Turkey, Applicant indicated he receives about \$100 monthly as a result of his former military service in Turkey, and is entitled to free medical care for life when in Turkey. Applicant denied any current allegiance to Turkey, and stressed loyalty to the U.S. and U.S. governmental institutions, including the U.S. military.

In September 2002, Applicant traveled to Turkey to see his mother. He turned in his expired Turkish passport to a border control official, but did not request any documentation of the surrender as he feared he would lose his dual citizenship and his inheritance should he do so.

Citing foreign preference and foreign influence concerns because of Applicant's ties to Turkey, DOHA issued an SOR to Applicant on January 8, 2004. On receipt of the SOR, Applicant had company security officials exchange his "interim clearance red badge" with an unclassified yellow badge so that he would not receive any classified material until the issue of his security suitability was resolved. In responding to the specific concerns raised by DOHA, Applicant denied the exercise of dual citizenship with the U.S. and Turkey, citing his compliance with all aspects of his oath of U.S. naturalization. He also reported he had turned in his expired Turkish passport to a border control officer during a trip to Turkey in September 2002. Applicant admitted he had regular contact with his mother and sister in Turkey but countered that the Turkish government had not taken hostages since 1281. As for his inheritance, Applicant estimated the value of his foreign real estate to have depreciated to about \$80,000 USD. (4) He expressed an intent to sell the apartment on his mother's death, to transfer ownership of the house damaged in the earthquake to his cousin, and to give the summer house to his sister as a wedding gift.

As of late May 2004, Applicant had made no effort to ascertain whether he remained a citizen of Turkey after he had turned in his expired passport. Nor had he determined whether renunciation of Turkish citizenship would affect his inheritance in Turkey as he "didn't want to rock the boat." Applicant feared an assessment of higher taxes should he sell

the properties as a citizen solely of the U.S. Applicant had not transferred his ownership interest in the damaged realty in Turkey, although he had essentially written it off. Nor had he given his sister the summer home. Assuming he is still a dual citizen, Applicant is willing to renounce his Turkish citizenship if necessary for a security clearance, although he would prefer to transfer the property in Turkey to his sister before taking any action to give up his foreign citizenship as his father worked for many years so that he might have this inheritance. Applicant would have no trouble giving up the monthly benefit from the Turkish government for his military service.

Applicant has "a couple thousand" in the account in Turkey into which he has his military pension funds deposited. The \$100,000 in cash assets inherited from his father had been depleted with currency devaluation of 40 percent, the costs of upkeep of the properties, and his mother's medical expenses. Applicant and his spouse own two homes in the U.S., their present residence appraised at \$370,000 in 2003 and the home they lived in before they moved for his current job. He and his spouse rent out the home, which is valued at \$185,000. Applicant also has about \$100,000 in an individual retirement account in the U.S.

Applicant telephones his 87-year-old mother in Turkey once a week and he travels to Turkey to see her once every 12 to 18 months. She has visited him in the U.S. three times, the last time being in 2000. Applicant's sister, who holds a doctorate degree in psychology, is currently employed as a dean of students at a university in Turkey. She has resided in Turkey since at least early 2001 if not before, (S) after living in the U.S. since the 1960s. Applicant corresponds by electronic mail with his sister regularly and she comes to the U.S. annually.

Applicant maintains monthly electronic mail contact with a maternal cousin who is currently pursuing a job opportunity in Canada. He has other cousins living in Turkey whom he sometimes sees during his trips to Turkey. He visited with two maternal cousins when in Turkey to see his mother in November 2001, and he talks with them by telephone on a quarterly basis. On his father's side, he has two cousins who retired from military service. He last saw them in November 1999 and telephone contact is limited to once a year. Applicant has ten distant cousins whom he contacts by telephone if he is able when in Turkey.

Applicant remains friendly with six former classmates of his at the Turkish naval academy. All six, whom he believes have acquired U.S. citizenship, reside in the U.S. Applicant has electronic mail correspondence with them, and they try to get together as a group every three or four years, the last time being in late 2003. His former classmates are employed in engineering and finance.

Applicant has demonstrated technical competence, teamwork, and ethical behavior in his present position as an electrical engineer with design responsibility for power supply and power system development with the defense contractor. In August 2002, Applicant traveled to the Middle East on behalf of his employer where he proved capable of conducting critical work under difficult conditions in support of an ally in the war against terror. In September 2002, he went to the Far East on urgent company business and achieved a successful result within a few days. Noting that Applicant had volunteered in 2003 to enlist as a reservist in the U.S. military so that he could serve in Operation Iraqi Freedom, his section manager has seen no reason to doubt Applicant's character or loyalty to the U.S. Applicant's senior supervisor confirms Applicant has been a "solid contributor and an upstanding citizen . . . always cooperative and ever

willing to help others, often mentoring younger people with his extensive engineering knowledge and life experiences."

POLICIES

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has "the authority to . . . control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to occupy a position . . . that will give that person access to such information." *Id.* at 527. The President has restricted eligibility for access to classified information to United States citizens "whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information." Exec. Or. 12968, *Access to Classified Information* § 3.1(b) (Aug. 4, 1995). Eligibility for a security clearance is predicated upon the applicant meeting the security guidelines contained in the Directive.

Enclosure 2 of the Directive sets forth personal security guidelines, as well as the disqualifying conditions (DC) and mitigating conditions (MC) under each guideline. In evaluating the security worthiness of an applicant, the administrative judge must also assess the adjudicative process factors listed in ¶ 6.3 of the Directive. The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of the applicant. *See* Exec. Or. 10865 § 7. It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that disqualify, or may disqualify, the applicant from being eligible for access to classified information. *See Egan*, 484 U.S. at 531. The Directive presumes a nexus or rational connection between proven conduct under any of the disqualifying conditions listed in the guidelines and an applicant's security suitability. *See* ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002); *see* Directive ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3.

Considering the evidence as a whole, I find 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 also 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.A3.1.2.3. Military service or a willingness to bear arms for a foreign country;

E2.A3.1.2.4. Accepting educational, medical, or other benefits, such as retirement and social welfare, from a foreign country;

E2.A3.1.2.6. Using foreign citizenship to protect financial or business interests in another country.

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 (e.g., foreign military service) 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.A2.1.2.8. A substantial financial interest in a country . . . that could make the individual vulnerable to foreign influence.

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.

E2.A2.1.3.3. Contact and correspondence with foreign citizens are casual and infrequent.

CONCLUSIONS

Having considered the evidence in light of the appropriate legal precepts and factors, and having assessed the credibility of the Applicant, I conclude the following with respect to guidelines C and B:

Guideline C is based on actions taken by an individual which indicate a preference for a foreign country over the United States. ⁽⁶⁾ **A citizen of Turkey from birth, Applicant was educated in military schools in preparation for a career as an officer in Turkey's Navy. Shy of three years into his service obligation, Applicant secured an honorable discharge with the help of his father, an admiral in Turkey's Navy. Applicant came to the U.S. initially to pursue higher education in 1977. Three years later, he married a dual citizen of the U.S. and the UK, who he had met in Turkey in 1975. Applicant eventually decided to make the U.S. his permanent home, and in January 1987 he acquired U.S. citizenship. Applicant's military service for Turkey and his use of a Turkish passport to travel to Turkey to visit his parents in 1981, 1982, 1983, 1985 prior to his United States naturalization do not fall within E2.A3.1.2.1. (exercise of dual citizenship), and do not raise foreign preference concerns (see E2.A3.1.3.2.).**

However, possession of a valid foreign passport after acquisition of United States citizenship is potentially disqualifying under guideline C (see E2.A3.1.2.2.). The Assistant Secretary of Defense for Command, Control, Communications and Intelligence (ASDC3I) in a memorandum of August 16, 2000, concerning the application of guideline C to cases involving an applicant's possession and/or use of a foreign passport, clarified 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 U.S. is paramount and it could also facilitate foreign travel unverifiable by the U.S. The evidence reflects Applicant possessed a Turkish passport that expired within a month of him becoming a U.S. citizen. Applicant did not renew that foreign passport, and elected instead to travel exclusively on his U.S. passport issued to him one week before his Turkish passport expired. Concerns of potentially unverifiable travel, which were never very significant, are amply mitigated where Applicant turned in the expired passport to border control in Turkey in September 2002 and he has no intent to reacquire a Turkish passport.

Applicant retained the expired foreign passport (which although not valid for travel confirmed his foreign

citizenship) because he wanted to protect his inheritance, which in itself raises foreign preference concerns. Although the value of his inheritance has depreciated due to an earthquake and currency devaluation, it is sufficiently substantial to affect his decisions. When informed during his DSS interview that according to the Turkish Embassy surrender of even an expired Turkish passport to the Embassy would revoke his Turkish citizenship, Applicant expressed reservations about returning his passport to Turkish authorities. He is credited with an effort to comply with DoD requirements by subsequently turning in the passport to a border control officer in Turkey, but he made no effort to obtain official documentation of the return, and has not taken any steps since to confirm whether he remains a citizen of Turkey as he fears the imposition of higher taxes on his properties in Turkey as a non-citizen, especially at the time of resale ("I didn't want to rock the boat." Tr. 70). Applicant hopes that by not calling any attention to his situation there will be no impact on his inheritance.

In addition to using his foreign citizenship to protect his financial interests in Turkey (*see* E2.A3.1.2.6), Applicant continues to receive between \$100 and \$200 per month from the Turkish government for his past military services. Accepting such benefits from a foreign country is potentially security disqualifying in its own right under guideline C (*see* E2.A3.1.2.4.). A person receiving financial benefits may be prone to make decisions in the interest of the foreign government providing the benefit.

In mitigation, Applicant has indicated he would be willing to terminate his foreign military pension if it is an issue for his clearance. Assuming he is still a citizen of Turkey, he also expressed a willingness to renounce his foreign citizenship, testifying "not a lot is at stake for [him] to lose if [he] didn't have Turkish citizenship." Yet, at the same time, he testified to wanting to wait to renounce his Turkish citizenship, if it is still held, until he has had the opportunity to transfer his inheritance share to his sister in Turkey. Although the Department of Defense does not require renunciation of foreign citizenship in order to gain access, ⁽⁷⁾ 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. Apprised in January 2004 of the Government's concerns about his ownership of significant financial assets in Turkey and his receipt of the military benefits, Applicant has not checked on his citizenship status, has not relinquished his entitlement to the pension benefit, and has not transferred ownership of the damaged house and its acreage to his cousin or of the summer house to his sister. Applicant has strong ties to the U.S. established since he left Turkey in 1977. He has proven to be a dedicated worker for a defense contractor, has acquired U.S. citizenship, and recently volunteered to serve as a reservist in the U.S. war against terror. He espouses no affiliation with the current Turkish government while respecting the rights and freedoms of the U.S. Despite a lifestyle consistent with a preference for the U.S. over Turkey, there remains a risk that Applicant will make decisions in the interest of protecting his financial stake in Turkey. Adverse findings are returned with respect to 1.a., 1.c., and 1.d. of the SOR.

Applicant's continued ownership of three properties in Turkey raises the risk of undue foreign influence (guideline B) concerns as well (*see* DC E2.A2.1.2.8.). Strictly in monetary terms, the value of his foreign assets does not approach his U.S. assets, but it is not so minimal to fall within MC E2.A2.1.3.5.(foreign financial interests are minimal). At his hearing, the Government learned for the first time that his foreign inheritance included a bank account with about \$100,000 on deposit. He testified he has only "a couple thousand" in a bank account in Turkey at present into which he has his military pension funds deposited. Even assuming most of the funds inherited from his father went for maintenance and taxes on the properties and to pay medical expenses not otherwise covered for his mother, Applicant still owns at least 75 percent of the family's summer home in Turkey as well as the apartment valued at about \$90,000 and the property damaged by the earthquake. While he testified to planning to give the summer house to his sister on her wedding, he also expressed lack of awareness of

her marriage plans. In his response to the SOR, Applicant indicated that she would arrange to bequeath the property to him should she predecease him, although he would then sell it to augment his retirement.

Furthermore, a security risk may exist when Applicant's immediate family members 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 (*see* E2.A2.1.2.1.). These situations could create the potential for foreign influence that could result in the compromise of classified information. In determining whether an applicant's family ties in a foreign country pose an unacceptable security risk, the Administrative Judge must consider the record evidence as a whole. Common sense suggests that the stronger the ties of affection or obligation, the more vulnerable a person is to being manipulated if the relative, cohabitant, or close associate is improperly influenced, brought under control, or even used as a hostage by a foreign intelligence or security service. Applicant is close to his mother and sister who reside in Turkey. He telephones his mother weekly, and corresponds with his sister by electronic mail regularly.

The security concerns engendered by the Turkish citizenship (sister has dual citizenship) and residency of such 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 (MC E2.A2.1.3.1.). There is no evidence Applicant's mother, the spouse of a Navy admiral before his death in November 1998, or his sister, who currently holds a position of some prominence as dean of students at a university in Turkey, has ever been an agent of the Turkish government or been subjected to any undue influence or pressure by the Turkish government. Naval service was a tradition in Applicant's father's family, as two of Applicant's cousins are retired officers from the Turkish Navy. Yet, Applicant's contact with these cousins as well as with other cousins who he has visited on trips to Turkey, is sporadic in nature. Applicant also remains friendly with six former classmates from the Turkish naval academy. Like Applicant, these persons have made their homes in the U.S., and to Applicant's knowledge, they have all acquired U.S. citizenship. While they all recently got together in late 2003, there is nothing untoward about his relationships with these old friends. Applicant's bonds with his cousins in Turkey and his ethnically Turkish friends in the U.S. are sufficiently casual to raise little foreign influence concern (*see* MC E2.A2.1.3.3. Contact and correspondence with foreign citizens are casual and infrequent), but the same cannot be said for his relationship with his immediate family members who are resident citizens of Turkey.

In assessing the risk of foreign influence, the specific country involved and its historical relationship with the U.S. are relevant considerations. Turkey is a secular parliamentary democracy, a long-time friend and ally (including in the war on terror) of the U.S., and a member of the North Atlantic Treaty Organization. Clearly, its political, economic, and security ties are with the West, and Turkey is not known to conduct espionage against the U.S. The U.S. supports Turkey's membership in the European Union. Relations were recently strained when Turkey refused to allow U.S. troops to deploy through its territory to Iraq in Operation Iraqi Freedom, but regained momentum steadily thereafter and mutual interests remain strong across a wide spectrum of issues.⁽⁸⁾ It is not likely that Turkey will employ coercive means, such as taking his elderly mother or his sister hostage, in an attempt to influence Applicant. But influence can also take a more subtle form. Applicant understandably has an emotional as well as a financial stake in his inheritance, the product of his father's many years of dedicated military service for Turkey. Vulnerability concerns are increased where Applicant deliberately avoided inquiry into his citizenship status out of concern for his inheritance. His financial and personal connections to Turkey are too significant to conclude that there is little risk of undue foreign influence.

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: AGAINST THE APPLICANT

Subparagraph 1.a.: Against the Applicant

Subparagraph 1.b.: For the Applicant

Subparagraph 1.c.: Against the Applicant

Subparagraph 1.d.: Against the Applicant

Paragraph 2. Guideline B: AGAINST THE APPLICANT

Subparagraph 2.a.: Against the Applicant

Subparagraph 2.b.: Against the Applicant

Subparagraph 2.c.: For the Applicant

Subparagraph 2.d.: For the Applicant

Subparagraph 2.e.: For the Applicant

Subparagraph 2.f.: Against the Applicant

Subparagraph 2.g.: Against the Applicant

DECISION

In light of all the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is denied.

Elizabeth M. Matchinski

Administrative Judge

1. The SOR was issued under the authority of 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. In his forwarding correspondence, Applicant asked to withdraw the character reference letter that had been entered as part of Exhibit C at his hearing, as he had apparently learned that company policy prohibited personal references on its letterhead. That same letter sans corporate letterhead is included in Exhibit G.
3. At his hearing, Applicant testified his sister inherited a quarter share (25 percent) of the properties. (Tr. 74) When interviewed by the DSS agent, Applicant gave no indication that his sister had any ownership stake in the assets.
4. At the hearing, Applicant testified the apartment alone had a current value of \$90,000 USD. Even if the properties had a total resale value of \$80,000, this figure does not include the \$100,000 inherited from his father.
5. When interviewed by the DSS agent, Applicant indicated his sister worked at the United Nations and since 1997 has been employed as a dean of students at a university. (Ex. 2) At his hearing in May 2004, Applicant testified his sister moved back to Turkey about two years ago, after having previously resided in the U.S. since 1963, where she assumed the position of dean of students at the Turkish university. (Tr. 30)
6. Dual citizenship is recognized by the United States, but it is not encouraged. 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 are possession of a foreign passport and acceptance of benefits from a foreign country, such as a pension.
7. Willingness to renounce dual citizenship is potentially mitigating of foreign preference concerns (*see* E2.A3.1.3.4.)
8. *See* U.S. Department of State's Background Note on the Republic of Turkey, dated October 2004, which confirms the positive relationship between the U.S. and Turkey noted by U.S. President George W. Bush in his remarks at

