

DATE: March 20, 2003

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In Re:

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SSN: -----

Applicant for Security Clearance

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ISCR Case No. 02-20039

**DECISION OF ADMINISTRATIVE JUDGE**

**JOSEPH TESTAN**

**APPEARANCES**

**FOR GOVERNMENT**

Jennifer I. Campbell, Department Counsel

**FOR APPLICANT**

*Pro Se*

**SYNOPSIS**

Applicant surrendered her foreign passport and renounced her foreign citizenship. Clearance is granted.

**STATEMENT OF THE CASE**

On November 15, 2002, the Defense Office of Hearings and Appeals (DOHA), pursuant to Executive Order 10865 and Department of Defense Directive 5220.6 (Directive), dated January 2, 1992, (as administratively reissued on April 20, 1999), issued a Statement of Reasons (SOR) to 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 applicant and recommended referral to an Administrative Judge to determine whether clearance should be denied or revoked.

Applicant responded to the SOR in writing on December 2, 2002. The case was assigned to the undersigned on January 9, 2003. A Notice of Hearing was issued on February 4, 2003, and the hearing was held on February 25, 2003. The transcript was received on March 12, 2003.

**FINDINGS OF FACT**

Applicant is a 61 year old single woman. She was born and raised in the United States.

By virtue of her father's birth in Ireland, applicant was considered a citizen of Ireland. Applicant exercised her Irish citizenship in 1993 by applying for and receiving an Irish passport. Applicant testified credibly that she obtained the Irish passport for sentimental reasons and because she thought it would be easier for her to travel throughout Europe with it. She never used the Irish passport.

When applicant learned that her possession of an Irish passport would prevent her from obtaining a security clearance, she wrote to the Irish consulate requesting that her Irish passport be "rescinded." Because it was unclear if those letters

had any effect, applicant, shortly before the DOHA hearing, sent the Irish consulate her passport along with a properly executed notarized declaration stating that she is renouncing her Irish citizenship (TR at 30-32; Exhibit A).

Applicant states that her loyalty lies with the United States (Exhibit 2), and this statement was corroborated by the testimony of both her direct supervisor and her brother, a retired United States Navy Captain (TR at 13, 47-48).

Applicant has traveled to Ireland three times. In 1992 and again in 1994, she spent about four weeks in Ireland. In 1995 she traveled to Ireland expecting to spend a year there trying to decide if she should move there permanently. After about five months she decided that she didn't want to move to Ireland and returned to the United States.

## **POLICIES**

Enclosure 2 of the Directive sets forth Guidelines (divided into conditions that could raise a security concern and conditions that could mitigate security concerns) which must be followed by the Administrative Judge. Based on the foregoing Findings of Fact, the following Disqualifying Factors and Mitigating Factors are applicable:

### **Foreign Preference**

**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.

#### **Conditions that could raise a security concern:**

1. E2.A3.1.2.1: The exercise of dual citizenship.
2. E2.A3.1.2.2: Possession and/or use of a foreign passport.

#### **Conditions that could mitigate security concerns:**

1. E2.A3.1.3.1: Dual citizenship is based solely on parents' citizenship or birth in a foreign country.
2. E2.A3.1.3.4: Individual has expressed a willingness to renounce dual citizenship.

## **CONCLUSIONS**

Applicant was born and raised in the United States. By virtue of her father's birth in Ireland, applicant was considered an Irish citizen by Ireland. Applicant did nothing to act on her dual citizenship status until 1993 when she applied for and received an Irish passport. Her decision to apply for an Irish passport was based solely on sentimental reasons and a desire to make travel throughout Europe easier; she was in no way expressing a preference for Ireland over the United States.

After learning that the possession of an Irish passport would preclude her from having access to classified information, applicant mailed it to the Irish consulate along with a declaration renouncing her Irish citizenship. Given these facts, as well as the clear preference applicant has shown for the United States during the past 61 years, I conclude that applicant clearly prefers the United States over Ireland. Based on the foregoing, Guideline C is found for applicant.

## **FORMAL FINDINGS**

PARAGRAPH 1: 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.

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Joseph Testan

Administrative Judge