

KEYWORD: Foreign Influence; Financial

DIGEST: Applicant is an interpreter/translator fluent in Arabic, Hungarian, and Spanish. He maintains close ties with his father, two brothers, and five sisters who are citizens of Sudan and permanent residents of the United Arab Emirates. He has strong ties to the U.S. as well; he has been a U.S. citizen since 1996, his wife is a U.S. citizen, his mother is a permanent resident of the U.S., and all his business and financial holdings are in this country. When his mother became seriously ill, Applicant fell behind in his financial obligations trying to pay her medical bills and provide care. However, he resolved his debts through bankruptcy and a current repayment plan, and is now financially sound. Applicant mitigated the security concerns relating to possible foreign influence and financial considerations. Clearance is granted.

CASENO: 04-05697.h1

DATE: 03/29/2006

DATE: March 29, 2006

In re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 04-05697

DECISION OF ADMINISTRATIVE JUDGE

MICHAEL J. BRESLIN

APPEARANCES

FOR GOVERNMENT

Sabrina E. Redd, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant is an interpreter/translator fluent in Arabic, Hungarian, and Spanish. He maintains close ties with his father, two brothers, and five sisters who are citizens of Sudan and permanent residents of the United Arab Emirates. He has strong ties to the U.S. as well; he has been a U.S. citizen since 1996, his wife is a U.S. citizen, his mother is a permanent resident of the U.S., and all his business and financial holdings are in this country. When his mother became seriously ill, Applicant fell behind in his financial obligations trying to pay her medical bills and provide care. However, he resolved his debts through bankruptcy and a current repayment plan, and is now financially sound. Applicant mitigated the security concerns relating to possible foreign influence and financial considerations. Clearance is granted.

STATEMENT OF THE CASE

On June 17, 2003, Applicant submitted a security clearance application. The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant under Executive Order 10865, *Safeguarding Classified Information Within Industry* (Feb. 20, 1960), as amended, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended (the "Directive"). On ay 2, 2005, DOHA issued a Statement of Reasons (SOR) detailing the basis for its decision. The SOR alleges security concerns raised under the Directive, specifically Guideline B, Foreign Influence, and Guideline F, Financial Considerations.

Applicant answered the SOR in writing on May 14, 2005. He elected to have a hearing before an administrative judge.

I received the case assignment on October 6, 2005. With the concurrence of Applicant and Department Counsel, I convened the hearing on December 8, 2005. At the hearing, the government introduced Exhibits 1 through 14. Applicant presented Exhibits A through MM and testified on his own behalf. At Applicant's request, I kept the record open to allow submission of additional documents. On December 13, 2005, Applicant provided seven additional documents which were admitted as Exhibits NN through TT, without objection. DOHA received the final transcript of the hearing

(Tr.) on December 28, 2005.

FINDINGS OF FACT

Applicant admitted the factual allegations in ¶¶ 1.a, 1.b, 1.c, 1.e, 2.a and 2.b of the SOR. (Applicant's Answer to SOR, dated May 14, 2005, at 1-2.) Those admissions are incorporated herein as findings of fact. He denied the factual allegations in ¶ 1.d of the SOR, and denied that the evidence raised security concerns under Guidelines B or F of the Directive. (*Id.*) After a complete and thorough review of the evidence in the record, I make the following additional findings of fact.

Applicant is 39 years old. (Ex. 1 at 1.) He is an interpreter/certified translator fluent in Arabic, Hungarian, and Spanish. (*Id.*; Tr. at 85.)

Applicant was born in the Republic of the Sudan in 1966. (Ex. 1 at 1.) His entire family emigrated to the United Arab Emirates (U.A.E.) when he was three years old and lived there permanently thereafter.

Applicant immigrated to the U.S. and married a U.S. citizen in November 1992. (Tr. at 5.) He held a variety of jobs, including working for the state government and managing convenience stores. (Ex. 1 at 4.) Applicant became a naturalized citizen in July 1996. (Ex. 1 at 1.) He renounced his former citizenship. (Tr. at 88.)

He began his own business as a translator/interpreter, working for the local courts on juvenile matters and assisting in immigration cases. (Tr. at 64, 86.) The demand for his services fluctuated-occasionally he went one or two months without business. (Tr. at 64.) As a result, he sometimes fell behind on his debts. Applicant occasionally worked for other businesses to supplement his income. (Tr. at 3.)

His first marriage ended in divorce in January 1999. (Ex. 1 at 5.) In about 2000, Applicant's mother came to the U.S. She became a permanent resident of the U.S. in June 2000. (Ex. M.) She lived with Applicant for part of each year, and returned to live in the U.A.E. for part of each year. (Tr. at 57.) While in the U.A.E. she worked as a nurse in a government hospital. (Tr. at 71-72.)

In about 2001, Applicant's mother was diagnosed with cancer and a blood clot, requiring extensive treatment and care in the U.S. (Tr. at 57, 83; Exs. Q through GG.) Applicant provided housing and support for his mother, and paid for her medical bills and medication. (Tr. at 58.) Applicant also cut back on the hours he spent working in order to care for his mother. After several years, Applicant's mother qualified for state assistance with her medical bills. However, the financial demands were too great and Applicant fell behind on his debts, including his federal income taxes for the years 1999, 2000, and 2001. (Exs. HH, JJ.)

Applicant received financial counseling in about 2003 for assistance with budgeting. (Tr. at 68-69.) He attempted to consolidate his debts (Ex. 2 at 2) but ultimately filed for protection under Chapter 7 of the bankruptcy code in 2004. The court discharged his debts, including unpaid federal taxes for the year 1999, in November 2004. (Ex. 6 at 4).

The bankruptcy court did not discharge his debts for unpaid federal taxes for the years 2000 and 2001. (Tr. at 63.) Applicant made arrangements with the Internal Revenue Service to pay those obligations at the rate of \$125.00 each month. (Tr. at 63.) Otherwise, Applicant is current on his debts. (Tr. at 67.) He properly filed and paid his federal taxes since then.

Applicant remarried in September 2004. (Ex. A.) His wife is a U.S. citizen by birth. (Ex. B.) They are expecting a child.

Presently, Applicant has several family members living outside the United States. None of them have ever served in the armed forces or the government of the U.A.E., nor have they been involved in any political organization. (Tr. at 73-74.) He visited his family in the U.A.E. in 1997, 2002, and 2004. (Tr. at 80, 81.) He wants to apply for each of them to immigrate to the U.S. but recognizes it is a long process. (Tr. at 71, 84; Ex. LL.) If his family cannot immigrate to the U.S., he may return to the U.A.E. to visit. (Tr. at 81.)

Applicant's father is a citizen of Sudan by birth, but lives permanently in the U.A.E. (Ex. 1 at 6.) He is about 69 years old, and works as a physician's assistant in a hospital run by the ministry. (Tr. at 79.) Applicant communicates with his father about once a month. (*Id.*)

Applicant's mother is 60 years old and retired. (Ex. 1 at 5.) She is a citizen of Sudan by birth, but has only visited Sudan once or twice in the last ten years to see her mother. (Tr. at 75.) She recently suffered a recurrence of cancer and returned to the U.S. for treatment. She is a permanent resident of the U.S. and will live with Applicant indefinitely. (Tr. at 82.)

Applicant has two brothers; both are citizens of Sudan by birth, but permanent residents of the U.A.E. (Ex. 1 at 6, 7.)

One brother is a 22-year-old student; the other is a 32-year-old sales representative for a large U.S. corporation. (Tr. at 72.) Applicant petitioned for a visa for his younger brother (Exs. D, E), it was approved (Ex. F), and the process is pending. Neither of his brothers ever served in the armed forces. (Tr. at 73-74.) One of his brothers has visited Sudan. (Tr. at 76.)

Applicant listed two step-brothers in his security clearance application. (Ex. 1 at 6.) One is deceased; the other is a citizen and resident of South Africa. (*Id.*) Neither were included in the allegations in the SOR.

Applicant also has five sisters who are citizens of Sudan by birth but permanent residents of the U.A.E. (Ex. 1 at 6.) One is a medical doctor presently teaching medicine, and four are teachers at private schools. (Tr. at 72-73.) The U.S. approved one sister's application for a visa-the process is pending. (Ex. I.) One of Applicant's sisters traveled to Sudan to attend a wedding. (Tr. at 75.)

The United Arab Emirates is a loose federation of seven emirates, each with its own ruler. (Ex. 7 at 3; Ex. 8 at 1.) Since achieving independence in 1971, the U.A.E. has worked to strengthen its federal institutions, but each emirate retains substantial autonomy. (Ex. 7 at 3.) There are no political parties in the U.A.E.; each ruler's power derives from their dynastic position. (*Id.* at 4.) According to the U.S. State Department, the U.A.E. contributes to the security and stability of the gulf region. It is a leading partner in the campaign against terrorism, and has provided assistance in the military, diplomatic, and financial arenas since September 11, 2001. (*Id.* at 4.) The U.A.E. is a member of the United Nations, the Arab League, and many international organizations. (Ex. 7 at 5.) The U.S. and the U.A.E. have long enjoyed friendly relations, and they improved dramatically as a result of the U.S.-led coalition's campaign that ended Iraqi occupation of Kuwait. (*Id.*) The State Department also noted that the U.A.E. has some problems with respect to human rights practices. There are restrictions on speech, the press, assembly, association and the exercise of religion. (Ex. 8.)

The Republic of the Sudan is governed by a military dictatorship. (Ex. 10 at 1.) Since its independence in 1955, Sudan has experienced almost constant ethnic and religious strife, marked by civil war and insurgencies. (Ex. 10 at 5.) Most recently a rebellion in the region of Darfur resulted in tens of thousands killed, millions displaced, and hundreds of thousands of refugees. (*Id.* at 6-7.) The U.S. administration condemned the Sudanese government for committing genocide. (Ex. 10 at 7.) The State Department warns U.S. citizens against all travel to Sudan, as well as traveling in the Middle East and elsewhere. (Exs. 12, 13, 14.) The U.S. considers Sudan to be a state sponsoring terrorism and imposed comprehensive economic, trade, and financial sanctions against Sudan in 1997. (Ex. 10 at 12.) Nonetheless, the U.S. is a major donor of humanitarian aid to Sudan. According to the U.S. State Department, the Sudanese government's human rights record is extremely poor. (Ex. 11 at 1.)

POLICIES

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." (*Department of the Navy v. Egan*, 484 U.S. 518, 527 (1988).) In Executive Order 10865, *Safeguarding Classified Information Within Industry* (Feb. 20, 1960), the President set out guidelines and procedures for safeguarding classified information within the executive branch.

To be eligible for a security clearance, an applicant must meet the security guidelines contained in the Directive. Enclosure 2 of the Directive sets forth personnel security guidelines, as well as the disqualifying conditions and mitigating conditions under each guideline. The adjudicative guidelines at issue in this case are:

Guideline B, Foreign Influence: A security risk may exist when an individual's immediate family, including cohabitants, or other persons to whom he 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. (Directive, ¶ E2.A2.1.1.)

Guideline F, Financial Considerations: An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. (Directive ¶ E2.A6.1.1.)

Conditions that could raise a security concern and may be disqualifying, as well as those which could mitigate security concerns pertaining to these adjudicative guidelines, are set forth and discussed in the conclusions below.

"The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance." (Directive, ¶ E2.2.1.) An administrative judge must apply the "whole person concept," and consider and carefully weigh the available, reliable information about the person. (*Id.*) An administrative judge should consider the following factors: (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the voluntariness of participation; (6) the presence or absence of rehabilitation and other pertinent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence. (*Id.*)

Initially, the Government must present evidence to establish controverted facts in the SOR that disqualify or may disqualify the applicant from being eligible for access to classified information. (Directive, ¶ E3.1.14.) Thereafter, the applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate the facts. (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 (App. Bd. Dec. 19, 2002).) "Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security." (Directive, ¶ E2.2.2.)

A person granted access to classified information enters into a special relationship with the government. The government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. The decision to deny an individual a security clearance is not a determination as to the loyalty of the applicant. (Exec. Ord. 10865, § 7.) It is merely an indication that the applicant has not met the strict guidelines the President has established for issuing a clearance.

CONCLUSIONS

I considered carefully all the facts in evidence and the legal standards discussed above. I reach the following conclusions regarding the allegations in the SOR.

Guideline B, Foreign Influence

Paragraph E2.A2.1.2.1 of the Directive provides that it may be disqualifying if "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." Paragraph E2.A2.1.3.1 defines "immediate family members" to include a spouse, father, mother, sons, daughters, brothers, and sisters. Applicant's father and siblings are citizens of Sudan and residents of the U.A.E. Also, his mother is a citizen of Sudan even though she is a permanent resident of the U.S. The evidence raises this potentially disqualifying condition.

Under the Directive, ¶ E2.A2.1.2.2, "[s]haring living quarters with a person, regardless of their citizenship status, if the potential for adverse foreign influence or duress exists" is potentially disqualifying. Applicant resides with his mother who is a citizen of Sudan, and a part-time resident of the U.A.E. with relatives in the U.A.E. However, as discussed below, I find the potential for adverse foreign influence exerted through Applicant's mother is not present. The evidence does not raise this potentially disqualifying condition.

The Directive also sets out conditions that may mitigate security concerns. The Government produced substantial evidence establishing disqualifying conditions, thus Applicant had the burden to produce evidence to rebut, explain, extenuate, or mitigate the conditions. (Directive, ¶ E3.1.15.) The government never has the burden of disproving a mitigating condition. (ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).)

Paragraph E2.A2.1.3.1 of the Directive provides that it is potentially mitigating where the "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 involved and the United States." Notwithstanding the facially disjunctive language, applicants must establish: (1) that the individuals in question are not "agents of a foreign power," and (2) that they are not in a position to be exploited by a foreign power in a way that could force the applicant to choose between the person(s) involved and the United States. (ISCR Case No. 02-14995 at 5 (App. Bd. Jul. 26, 2004).)

In 50 U.S.C.A. § 438(6), the federal statute dealing with national security and access to classified information, the U.S. Congress adopted the definitions of the phrases "foreign power" and "agent of a foreign power" from 50 U.S.C.A. § 1801(a) and (b). 50 U.S.C. § 1801(b) defines "agent of a foreign power" to include anyone who acts as an officer or employee of a foreign power in the United States, engages in international terrorism, or engages in clandestine intelligence activities in the U.S. contrary to the interests of the U.S. or involving a violation of the criminal statutes of the United States. Applicant's family members in the U.A.E. do not meet the definition of "agent of a foreign power" under 50 U.S.C.A. § 1801(b).

The Appeal Board, however, has adopted a broader definition of the phrase "agent of a foreign power." The Appeal Board has held that, "An employee of a foreign government need not be employed at a high level or in a position involving intelligence, military, or other national security duties to be an agent of a foreign power for purposes of Foreign Influence Mitigating Condition 1." (ISCR Case No. 02-24254, 2004 WL 2152747 (App. Bd. Jun. 29, 2004); *see also* ISCR Case No. 03-04090 at 5 (App. Bd. Mar. 3, 2005) (employee of the Israeli government is an agent of a foreign power) and ISCR Case No.02-29143 at 3 (App. Bd. Jan. 12, 2005) (a member of a foreign military is an agent of a foreign power).) Applying this broader definition, Applicant's father and one sister would be "agents of a foreign power" because they work in hospitals runs by the government. Thus, under the Appeal Board's definition, this mitigating condition does not apply. However, all the facts and circumstances may be considered under the "whole person" concept, discussed below.

The second prong of the test is whether the relatives in question are "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." The federal statute, 50 U.S.C.A. § 1801(a), defines "foreign power" to include: a foreign government; a faction of a foreign nation; an entity openly acknowledged by a foreign government to be controlled by that foreign government; a group engaged in international terrorism; a foreign-based political organization; or an entity directed and controlled by a foreign government. The Appeal Board also construes the term "foreign power" broadly.

In assessing whether an applicant is vulnerable to exploitation through relatives or associates in a foreign country, it is necessary to consider all relevant factors. As noted above, ¶¶ E2.2.1, E2.2.2, and E2.2.3 of the Directive specifically require each administrative judge to consider all the facts and circumstances, including the "whole person" concept, when evaluating each individual case. To ignore such evidence would establish a virtual *per se* rule against granting clearances to anyone with ties to persons in a foreign country, contrary to the clear import of the Directive.

An important factor for consideration is the character of any foreign power in question, including the government and entities controlled by the government, within the relevant foreign country. The Appeal Board has specifically held that it

is error for an administrative judge to fail to consider a hostile relationship between the U.S. and a foreign country. (ISCR Case No. 02-13595 at 4 (App. Bd. May 10, 2005).) The Appeal Board has held that "a country's poor human rights record and its differences with the United States on important security issues such as terrorism are factors" that a judge must consider. (ISCR Case No. 04-05317 at 5 (App. Bd. June 3, 2005); *see also* ISCR Case No. 03-24933 at 7 (App. Bd. July 28, 2005).) This factor is not determinative; it is merely one of many factors which must be considered.

Of course, nothing in Guideline B suggests it is limited to countries that are hostile to the United States. (*See* ISCR Case No. 00-0317 at 6 (App. Bd. Mar. 29, 2002); ISCR Case No. 00-0489 at 12 (App. Bd. Jan. 10, 2002).) The Appeal Board repeatedly warns against "reliance on overly simplistic distinctions between 'friendly' nations and 'hostile' nations when adjudicating cases under Guideline B." (ISCR Case No. 00-0317 at 6 (App. Bd. Mar. 29, 2002).) It is well understood that "[t]he United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." (ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).) Distinctions between friendly and unfriendly governments must be made with extreme caution. Relations between nations can shift, sometimes dramatically and unexpectedly. Moreover, even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, friendly nations have engaged in espionage against the United States, especially in economic, scientific, military, and technical fields. (ISCR Case No. 00-0317 at 6 (App. Bd. Mar. 29, 2002).)

Nevertheless, the relationship between a foreign government and the U.S. may be relevant in determining whether a foreign government or an entity it controls is likely to attempt to exploit a resident or citizen against the U.S. through the applicant. The nature of the foreign government might also relate to the question of whether the foreign government or an entity it controls would risk jeopardizing its relationship with the U.S. by exploiting or threatening its private citizens in order to force a U.S. citizen to betray this country. A friendly relationship is not determinative, but it may make it less likely that a foreign government would attempt to exploit a U.S. citizen through relatives or associates in that foreign country.

The government of the U.A.E. is a strong ally of the United States. The two nations work together on many significant issues, including counter-terrorism efforts and regional security issues. While not determinative, this evidence tends to suggest that it would be less likely that authorities in the U.A.E. would attempt to exploit Applicant's family members to force Applicant act adversely to U.S. interests.

By contrast, the relationship between the U.S. and Sudan has long been strained. Factions in Sudan are stridently opposed to U.S. policy, and the State Department recognizes the country is unsafe for travel by U.S. citizens. In this case, however, the fact that Applicant and his family members are citizens of Sudan by birth is of little consequence, because Applicant has never returned to that country and his relatives have extremely little or no contact.

Another factor which must be considered is Applicant's family member's vulnerability to exploitation by foreign powers in the U.A.E. None of his family members ever worked for or were affiliated with any political party, non-governmental organization, or terrorist group. His father and sister work in hospitals managed by the ministry, however these positions

are not particularly susceptible to improper influence. Terrorist groups opposed to the U.S. operate in the Middle East, but Applicant persuasively indicates the U.A.E. is safe. The fact that Applicant's family lives in the Middle East exposes them to some vulnerability to attack, but no more than any other resident. I note that, although the terrorist attacks have been violent, even fatal, they have not been of the kind encompassed by ¶ E2.A3.1.3.1, i.e., they have not been for the purpose of exploiting a U.A.E. resident to force a U.S. citizen to act adversely to the U.S. In other words, the threat posed by the terrorists in the Middle East is not the threat addressed in ¶ E2.A3.1.3.1 of the Directive.

Under ¶ E2.A2.1.3.3 of the Directive, it may also be mitigating where "[c]ontact and correspondence with foreign citizens are casual and infrequent." Applicant admitted he maintains close contact with his family. I conclude this potentially mitigating condition does not apply.

Guideline F, Financial Considerations

Paragraph E2.A6.1.2.1 of the Directive provides that it may be a disqualifying condition if the evidence reveals "[a] history of not meeting financial obligations." Similarly, ¶ E2.A6.1.2.3 indicates that an "[i]nability or unwillingness to satisfy debts" may be disqualifying. Applicant has a history of not meeting his financial obligations, culminating in a Chapter 7 bankruptcy discharged in November 2004. He still has debts for unpaid taxes. I find Applicant has shown both a history of failing to meet his financial obligations and an inability to satisfy his debts. I conclude the available evidence raises both these potentially disqualifying conditions.

The security concerns arising from Applicant's financial difficulties can be mitigated. Under the Directive, ¶ E2.A6.1.3.1, it may be mitigating where "the behavior was not recent." Applicant resolved most of his overdue obligations through the bankruptcy action in 2004; these debts are not recent. A portion of his debts for unpaid federal taxes in 2000 and 2001 remain unsatisfied, however. I find the unpaid obligations are recent. This potentially mitigating condition applies, in part.

Paragraph E2.A6.1.3.2 of the Directive provides that it may be mitigating where the financial difficulty "was an isolated incident." Applicant's numerous delinquent debts arose over several years because of a variety of reasons. I conclude this mitigating condition does not apply.

Under ¶ E2.A6.1.3.3, it may be mitigating where, "[t]he conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation)." Several conditions beyond Applicant's control contributed to his financial problems, including his mother's illness and his business downturn. I conclude this potentially mitigating condition applies.

Proof that "[t]he person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control," may be mitigating, under ¶ E2.A6.1.3.4 of the Directive. Applicant sought and received financial counseling, and later employed a bankruptcy action to resolve his dischargeable debts. He arranged a repayment plan for his delinquent taxes and is making payments. I find his debt problem is being resolved. I conclude this mitigating condition applies.

Finally, it may be mitigating where "[t]he individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." (Directive, ¶ E2.A6.1.3.6.) As noted above, Applicant resolved most of his debts through bankruptcy and is repaying the tax debts through a repayment plan with the IRS. I conclude this mitigating condition applies.

I considered carefully all the potentially disqualifying and mitigating conditions in this case in light of the "whole person" concept, keeping in mind that any doubt as to whether access to classified information is clearly consistent with national security must be resolved in favor of the national security. Applicant is a mature individual with strong ties to this country. He chose to leave the U.A.E. and make the U.S. his permanent home. His wife is a citizen and resident of the U.S., his mother is a permanent resident of the U.S., and his business and all financial assets are in this country. He has no ties to Sudan, other than the citizenship resulting from his birth in that country. Although Applicant has strong family ties to the U.A.E., that does not raise an appreciable security risk, because the U.A.E. is such a strong ally of the U.S. Finally, although Applicant suffered some financial setbacks, he has resolved his debts through bankruptcy and a current repayment plan. I conclude Applicant mitigated the security concerns arising under the guidelines for foreign influence and financial considerations.

FORMAL FINDINGS

My conclusions as to each allegation in the SOR are:

Paragraph 1, Guideline B: FOR APPLICANT

Subparagraph 1.a: For Applicant

Subparagraph 1.b: For Applicant

Subparagraph 1.c: For Applicant

Subparagraph 1.d: For Applicant

Subparagraph 1.e: For Applicant

Paragraph 2, Guideline F: FOR APPLICANT

Subparagraph 2.a: For Applicant

Subparagraph 2.b: For Applicant

DECISION

In light of all of 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. Clearance is granted.

Michael J. Breslin

Administrative Judge