

DATE: January 31, 2007

In Re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 04-10502

**ECISION OF ADMINISTRATIVE JUDGE**

**KATHRYN MOEN BRAEMAN**

**APPEARANCES**

**FOR GOVERNMENT**

Braden M. Murphy, Esquire, Department Counsel

**FOR APPLICANT**

*Pro Se*

**SYNOPSIS**

Applicant mitigated foreign influence security concerns over his family ties in Afghanistan to his wife's family who remain citizens of Afghanistan and reside there. Applicant has strong ties to the U.S. and has demonstrated working as a interpreter, translator, and cultural advisor for U.S. interests in Afghanistan from 2002 to 2005 that he can and has consistently put U.S. security interests ahead of his family ties. Applicant's assurances that he would put U.S. interests over any Afghani family ties are supported by his numerous positive character and work assessments as well as by the numerous awards he received for his prior service. Clearance is granted.

**STATEMENT OF THE CASE**

The Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) <sup>(1)</sup> to the Applicant on May 19, 2005. The SOR detailed reasons why the Government could not find that it is clearly consistent with the national interest to grant him access to classified information. The SOR alleges specific concerns in paragraph 1 over foreign influence (Guideline B). Applicant replied to the SOR allegations in an Answer notarized on June 14, 2005, and requested a decision without a hearing. Subsequently, on August 9, 2005, Department Counsel requested a hearing pursuant to Paragraph E3.1.7 of the Additional Procedural Guidance at Enclosure 3 of DoD Directive 5220.6.

However, the ready to proceed notice was not prepared by Department Counsel until one year later on August 24, 2006. The case was assigned to me on August 25, 2006, as Applicant had agreed to a local hearing for the convenience of his witness even though he lived in a distant location. On September 13, 2006, DOHA issued a Notice of Hearing and set this case to be heard on October 5, 2006. Applicant received the Notice on September 22, 2006, yet agreed to go forward and waived the 15-day notice requirement. At the hearing the government presented two exhibits (Exhibits 1-2), which were admitted into evidence without objection, and requested that administrative notice (AN) be taken of the information contained in Exhibits I -IV to which Applicant did not object. (AN I-IV) Applicant offered ten exhibits (Exhibits A-J), testified, and called one witness (TR 43-59). As Department Counsel did not object, Exhibits A-J were admitted into evidence. (TR 32-41) The transcript (TR) was received on October 16, 2006.

## **Procedural Issue**

Department Counsel moved to amend the SOR under Directive paragraph E.3.1.17 at the close of the hearing to add the following allegations under Guideline B:

1.c. Your wife's mother and father are citizens of and residents of Afghanistan.

Applicant had no objection to this amendment and admitted the allegation; I granted the motion to add this allegation to the SOR. (TR 143- 146; 156)

## **FINDINGS OF FACT**

After a complete and thorough review of the evidence in the record, and upon due consideration of that evidence, I make the following additional Findings of Fact:

Applicant, 49 years old, worked as a linguist and cultural advisor for a defense contractor (Employer #1) who is located in State #1 from July 2002 to June 2006; part of that time he was assigned overseas as a translator with the U.S. Army in Afghanistan. He is still needed to be deployed to overseas regions in support of military operations. He worked also as a translator with Employer #2 from February 2005 to May 2005. He currently works with Employer #3 as a home remodeling specialist from May 2005 to present. (Answer; Exhibits 1, 2, TR 60-65; 66-87) Applicant initially submitted a Security Clearance Applicant in August 2002 and then went to Afghanistan to work as an interpreter for Employer #1. He then got an offer to work for Employer #2 and was interviewed by telephone while he was in Afghanistan. (Exhibit 2; TR 117-122)

Applicant became a naturalized U.S. citizen in September 2001. He was born in Afghanistan and educated there. He worked there as a police officer from 1975-76 as part of the Ministry of the Interior until 1985 when he left Kabul because of political turmoil after the Russians took over the government. He went to another region where he had relatives; several months later his wife and children joined him there. Initially, in 1985, he fought with the Freedom Fighters. Then he went to Pakistan. He had a sister in the U.S. who helped him come to the U.S. as a refugee in 1989. He initially lived in State #2 and then moved to State #3 in 1991 where he and his family, a wife and four children, have subsequently lived. First, he drove a taxi in State #3; subsequently, he organized a taxi company. (Answer; Exhibits 1, 2, TR 60-65; 66-87)

When Applicant worked in Afghanistan as a contractor for U.S. Army from August 2002 to March 2005, he did not return to the U.S. to see his family for almost three years except for two short visits of a week or ten days. Because of his work with the U.S. Army, he was given a flag to commemorate their high regard for Applicant and for his work in Afghanistan. (Exhibits A, G; TR 135-139) He is willing to return to Afghanistan because he is grateful that "the United States gave me a chance to live here" and for the opportunities he and his family have found in the U.S. For that he is willing to "pay that price with my blood." (TR 139)

## **Foreign Influence**

Applicant married his wife in October 1980 in Afghanistan. He focuses on his own family and is not close to his own mother and siblings who live in the U.S. or his wife's family who live in Afghanistan. He does not even call his own mother who lives in the U.S. (Exhibit 2; TR 108; 155) He did list his family, his wife, and his children on the SF-86s. (Exhibits 1, 2) His birth family, his mother and siblings, all moved to live in the U.S. in 1990 except for one half-sister who died in May 2005 in Afghanistan, but he was unable to attend her funeral. His mother and one brother are naturalized U.S. citizens, who live in the U.S. One brother lives in Canada and is a Canadian citizen. (TR 88-91) His sisters are naturalized U.S. citizens and all live in the U.S. in various locations; he is not in close touch with them. (TR 91-92)

Applicant no longer has any uncles living in Afghanistan as they have all died. One of his uncles has a son in Afghanistan, but Applicant no longer has an uncle living in Afghanistan as they have all died. One of his uncles has a son in Afghanistan but he is not in touch with any of those relatives. Applicant's wife's siblings returned to Afghanistan

and are citizens and residents. She has three brothers and four sisters. One sister moved to Holland. Applicant does not know what they do for a living. None of her siblings have ever visited the U.S. He has had no contact with them in over ten years.(Answer; TR 95-96; 98-99; 107)(SOR 1.a.) (Answer; TR 124-125) (SOR 1.a.)

One of his wife's brothers previously was a lieutenant in the Afghan police in 1985 after he graduated from the police academy. After that brother returned to Afghanistan, Applicant believed that he returned to the Ministry of Interior where he had worked before. When the company asked for information for the SF-86, Applicant guessed that this wife's brother might now be a police officer with the rank of colonel. But he does not work in intelligence<sup>(2)</sup>. Applicant has had no contact with him in over ten years and does not actually know his rank. Someone else prepared his answer for him where he guessed at his brother-in-law's rank and position. (Answer; TR 101-103; 111-115; 122) (SOR 1.b.)

When Applicant initially submitted a Security Clearance in August 2002 and again in 2005, he did not understand he should list his wife's parents and failed to list them. (Exhibits 1, 2; TR 130-134) Initially, after the Soviets left and as the Taliban<sup>(3)</sup> was taking over Afghanistan, his wife's parents moved to Pakistan. He helped them financially during that period as they lived as refugees there. When he was working in Afghanistan for the U.S. Army, Applicant did not have contact with any of his wife's family who then lived in Pakistan nor with them after they returned to Afghanistan. His wife's family is from a different tribe from him. He has not talked with her parents or seen them in over a year. He and his wife sponsored them to come from Pakistan to the U.S. to immigrate, but they came to the U.S. when he was assigned in Afghanistan with the U.S. Army. He only saw them for one brief period when he was home on leave. Her parents believed that their health problems created a burden for Applicant's wife, so they returned<sup>(4)</sup> to Afghanistan in late 2004 because they had confidence that Afghanistan would be safe and free with the U.S. military there. While his wife calls her parents, he does not know how often as he does not ask her. Applicant has not had any contact with her parents since they returned. he only knows of her family from what his wife reports to him. (TR 96-98; 125-129;140-146;147-153; 153-155) (SOR 1.c.)

Given Applicant's extensive ties to the U.S., I find it is unlikely he would yield to pressure if any of his wife's relatives were coerced by the government of Afghanistan, which is in transition. The country made great strides towards building democracy and rebuilding the country in 2004. (AN I ) They ratified a new national constitution that embraced democracy and pluralism in the context of Afghan and Islamic traditions. They have an increasingly effective Afghan National Army. The government has reversed a long legacy of serious human rights abuses under the previous regime, but serious problems remain. They still face daunting challenges. (AN I-IV)

### **Applicant's Evaluation and References**

An intelligence analyst for the Federal Bureau of Investigation (FBI) testified for Applicant as he worked with Applicant when he was on active duty and assigned in Afghanistan from January to July 2004 and served as an intelligence captain for the U.S. Army's 3<sup>rd</sup> Special Forces. He met Applicant in Kandahar and observed that "he stood out from the rest of the interpreters over there." Applicant is an American citizen "with a solid character and great attitude. He took pride in his job, his integrity and his family the whole time" this witness was assigned there and worked with him. He was an expert on operation security since he had been there since 2002. They jointly were involved in a number of counterinsurgency missions. The commander considered Applicant to be his primary linguist. (See Exhibit A) (TR 43-45; 47-48) This witness gave his personal view that Applicant's not being able to return to that region because of the security clearance issues and delays has "been a setback for the U.S. Military in that region for winning the hearts and minds of the people." That region has become a "hot zone" because of the "misunderstanding between the populace and how the U.S. is perceived in that region." (TR 46) Applicant has an "in-depth knowledge of the culture and the populace" because he had worked there since 2002. He was primarily an interpreter for the leadership and was also a cultural advisor. (TR 50) The witness re-connected with Applicant when he was in training with Employer #2 to become a higher level linguist from arch to May 2005. The witness is a Persian Dari language specialist; as Applicant speaks the language well, the witness testified he sometimes consults him about language or culture issues. He observed Applicant was loyal to the U.S. because the U.S. gave him and his family a new life. (TR 52-57) Applicant never talked about any family in Afghanistan when he was working there. (TR 58-59)

Applicant's supervisor in Afghanistan, a commanding lieutenant colonel, special forces, evaluated Applicant in July

2005 in his duties as a cultural advisor and linguist to the commander of the U.S. Army Special Forces Battalion in the Western Region of Afghanistan. He was evaluated as a "5" on a five-point scale where 5 is the highest for all character traits except for technical and decision-making where he was rated "4". This rater observed that from January 2004 to July 2004 Applicant was a "superb" performer who was "honest, dedicated and extremely loyal to his mission and to the United States." This officer "relied on him to convey his thoughts and intentions in his native language," and Applicant always "produced superior results. He also can be counted upon to accomplish the mission, despite the hardship, danger or difficulty." He would welcome Applicant's expertise again on his team. (Exhibit A) This commanding lieutenant colonel, special forces, gave Applicant a **Certificate of Appreciation** for his "exceptional service." (Exhibit H)

Applicant also received a **Certificate of Appreciation** for his "outstanding support" to the soldiers of the Combined Joint Operations Task Force - Afghanistan during Operation Enduring Freedom from a commanding colonel, special forces. (Exhibit I)

A commanding colonel of the Combined Joint Operations Task Force Base Operations presented Applicant a **Certificate of Achievement** for his "exceptional meritorious service while providing language support to various units in support of Operation Enduring Freedom. His continuous linguistic support proved vital to the success of the units' missions. His patriotic service to both the U.S. Armed Forces and the Country of Afghanistan brings credit upon himself and shows great character and personal courage." (Exhibit J)

A commanding colonel, special forces, awarded Applicant a Department of the Army **Commander's Award for Civilian Service** in October 2004. (Exhibit F)

In January 2004 a flag was flown over the Task Force 33 Headquarters in Afghanistan during Operation Enduring Freedom; the flag was presented to Applicant by the Deputy Commanding Officer. (Exhibit G)

In March 2003 a commanding major, special forces, awarded Applicant a Letter of Appreciation for his work with a special forces group where he "distinguished himself by exceptionally meritorious service as a linguist" during operation Enduring Freedom. He was assessed as having "performed miraculously." Further, "Without his perseverance and ability to respond to short-fused issues, this unit's fight against terrorism would have been all but impossible." He demonstrated under "combat conditions that he is the type of linguist we need to continue working with Special Operation Forces." He "showed initiative and good judgment daily . . . and made a significant impact on the war on terrorism." This major would gladly serve with him again. (Exhibit B)

In March 2003 the Detachment Commander, a captain, special forces, advised Applicant's employer that Applicant was "by far one of the most competent, confident, and proficient linguists" he has ever worked with as he is "not an ordinary linguist." Applicant "thrived in the austere conditions of Afghanistan and happily endured the hardships of a Special Forces soldier." His previous experience with the Mujahadeen was invaluable as he "provided insights into the enemy's tactics that enabled U.S. forces to be one step ahead of the enemy." His "knowledge of the enemy, flawless skills as a linguist, and relentless work ethic was exemplary." (Exhibit C)

Another Detachment Commander, a captain, special forces, also provided a Letter of Recommendation for Applicant in March 2003. He worked with Applicant for six months in Afghanistan during Operation Enduring Freedom. He has previously worked with nine different linguists and assessed Applicant as "by far, the best linguist in the entire theatre." Applicant was assessed as "the most valuable asset any Special Operations Detachment possesses" as he combines prior military experience with bravery and unprecedented knowledge of various languages. He assessed Applicant as "more than a linguist, he is a U.S. special Forces Operator and outstanding citizen soldier of the United States." (Exhibit D)

A commanding lieutenant colonel, special forces, awarded Applicant a Department of the Army **Achievement Medal for Civilian Service** for exceptionally meritorious serve as an interpreter for a forward operational base. His "tactical proficiency, dedication to duty, and commitment to mission accomplishment under the most extreme of circumstances greatly contributed to the success of combat operations during Operation Enduring Freedom." (Exhibit E)

## POLICIES

Enclosure 2 of the Directive sets forth adjudicative guidelines to consider in evaluating an individual's security

eligibility. They are divided into conditions that could raise a security concern and may be disqualifying and conditions that could mitigate security concerns in deciding whether to grant or continue an individual's access to classified information. The mere presence or absence of any given adjudication policy condition is not decisive. Based on a consideration of the evidence as a whole in evaluating this case, I weighed relevant Adjudication Guidelines as set forth below:

### **Guideline B - Foreign Influence**

***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: (1) not citizens of the United States or (2) 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.***

The responsibility for producing evidence initially falls on the Government to demonstrate that it is not clearly consistent with the national interest to grant or continue Applicant's access to classified information. Then the Applicant presents evidence to refute, explain, extenuate, or mitigate in order to overcome the doubts raised by the Government, and to demonstrate persuasively that it is clearly consistent with the national interest to grant or continue the clearance. Under the provisions of Executive Order 10865, as amended, and the Directive, a decision to grant or continue an applicant's security clearance may be made only after an affirmative finding that to do so is clearly consistent with the national interest. In reaching a fair and impartial overall common sense determination, the Administrative Judge may draw only those inferences and conclusions that have a reasonable and logical basis in the evidence of record.

### **CONCLUSIONS**

#### **Foreign Influence**

Because of Applicant's ties to his wife's family in Afghanistan, the government raised foreign influence concerns under disqualifying conditions (DC): 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; and E2.A2.1.2.6. Conduct which may make the individual vulnerable to coercion, exploitation, or pressure by a foreign government. The Government concedes that these concerns are not about Applicant's loyalty to the U.S. as he "provided brave service as a translator for U.S. Forces in Afghanistan." The concern is over his wife's siblings and parents who are citizens and residents of Afghanistan. An uncle of Applicant's is deceased, so he no longer raises any security concerns. One of his wife's brothers works as a police officer for the Department of Interior in Afghanistan, but does not work in intelligence. Appellant does know his rank and has no contact with him.

While I have seriously considered these security concerns and the documents submitted for administrative notice which raise security concerns over the political climate and security risks in Afghanistan, I conclude Applicant has presented sufficient evidence to meet the burden these circumstances present. Applicant mitigates<sup>(5)</sup>

the Government's security concerns over possible foreign influence. The U.S. is actively working in partnership in Afghanistan to promote and establish democratic principles. Under MC 3 his ties to his wife's family (her parents and siblings who have returned to Afghanistan after being refugees) are casual and infrequent. He is focused and in contact only with his own immediate family, his wife and children.

In evaluating his conduct, I considered the following Adjudication Process factors and looked at him as a "whole person":

E.2.21.1. The nature, extent, and seriousness of the conduct; E2.2.1.2. The circumstances surrounding the conduct, to include knowledgeable participation; E2.2.1.3. The frequency and recency of the conduct; E2.2.1.4. The individual's age and maturity at the time of the conduct; E2.2.1.5. The voluntariness of the participation; E2.2.1.6. The presence or absence of rehabilitation and other pertinent behavioral changes; E2.2.1.7. The motivation for the conduct; E2.2.1.8. The potential for pressure, coercion, exploitation, or duress; and E2.2.1.9. The likelihood of continuation or recurrence.

## (E.2.2. Adjudication Process)

Most notably, Applicant served honorably in Afghanistan with the U.S. Forces for three years and no security concerns were ever raised about his conduct. Indeed, his having general ties to the country were of immense help to the U.S. military in achieving goals in the war against terrorism. His commendations include the following which are further detailed in the Findings:

- An intelligence captain for the U.S. Army's 3<sup>rd</sup> Special Forces testified Applicant "stood out from the rest of the interpreters." Applicant is an American citizen "with a solid character and great attitude. He took pride in his job, his integrity and his family the whole time" this witness was assigned there and worked with him. Applicant also stood out as an expert on operation security since he had been there since 2002. Applicant never talked about any family members in Afghanistan when he was working there in 2004.
- A commanding lieutenant colonel, special forces, evaluated Applicant in July 2005 in his duties as a cultural advisor and linguist to the commander of the U.S. Army Special Forces Battalion in the Western Region of Afghanistan in 2004. He assessed Applicant as a "superb" performer who was "honest, dedicated and extremely loyal to his mission and to the United States." This commander gave Applicant a **Certificate of Appreciation** for his "exceptional service."
- Applicant received a **Certificate of Appreciation** for his "outstanding support" to the soldiers of the Combined Joint Operations Task Force - Afghanistan during Operation Enduring Freedom for a commanding colonel, special forces. A commanding colonel of the Combined Joint Operations Task Force Base Operations presented Applicant a **Certificate of Achievement** for his "exceptional meritorious service while providing language support to various units in support of Operation Enduring Freedom. His continuous linguistic support proved vital to the success of the units' missions. His patriotic service to both the U.S. Armed Forces and the Country of Afghanistan brings credit upon himself and shows great character and personal courage." Also, Applicant received a Department of the Army **Commander's Award for Civilian Service** in October 2004.
- In March 2003 a commanding major, special forces, awarded Applicant a Letter of Appreciation for his work with a special forces group where he "distinguished himself by exceptionally meritorious service as a linguist" during operation Enduring Freedom. He was assessed as having "performed miraculously." Further, "Without his perseverance and ability to respond to short-fused issues, this unit's fight against terrorism would have been all but impossible." He demonstrated under "combat conditions that he is the type of linguist we need to continue working with Special Operation Forces." He "showed initiative and good judgment daily. . . and made a significant impact on the war on terrorism."
- The Detachment Commander, a captain, special forces, assessed Applicant as "by far one of the most competent, confident, and proficient linguists" he has ever worked with as he is "not an ordinary linguist." Applicant "thrived in the austere conditions of Afghanistan and happily endured the hardships of a Special Forces soldier." His previous experience with the Mujahadeen was invaluable as he "provided insights into the enemy's tactics that enabled U.S. forces to be one step ahead of the enemy." His "knowledge of the enemy, flawless skills as a linguist, and relentless work ethic was exemplary."
- Another Detachment Commander, a captain, special forces, also provided a Letter of Recommendation for Applicant in March 2003 and assessed Applicant as "by far, the best linguist in the entire theatre." Applicant was "the most valuable asset any Special Operations Detachment possesses" as he combines prior military experience with bravery and unprecedented knowledge of various languages. Applicant is "more than a linguist, he is a U.S. special Forces Operator and outstanding citizen soldier of the United States."
- Applicant was awarded a Department of the Army **Achievement Medal for Civilian Service** for exceptionally meritorious serve as an interpreter for a forward operational base. His "tactical proficiency, dedication to duty, and commitment to mission accomplishment under the most extreme of circumstances greatly contributed to the success of combat operations during Operation Enduring Freedom."

Looking at all of these circumstances, I conclude Applicant has overcome foreign influence security concerns. Given his

strong and lengthy ties to the U.S. since he became a U.S. naturalized citizen in 2001, there is limited potential for coercion, exploitation or duress. There is no evidence that the government of Afghanistan or any other foreign power has ever tried to exploit his relationship with his relatives in Afghanistan even though he worked there in his 2002 to 2005 assignments to support the U.S. military. Indeed, Applicant's knowledge of the local language and culture was vital to the U.S. strategies to succeed in the mission in Afghanistan. Applicant followed all of the security guidelines in Afghanistan. Further, he is highly regarded as a translator and contributed to the U.S.-Afghan missions while he worked there. Afghanistan is in transition. Thus, under E.2.2.1.8., there is little potential for pressure, coercion, exploitation, or duress.

While his brother-in-law works for the Afghan government, Applicant has had no contact with him and does not even know what rank he has in the local police force. Thus, under E.2.2.1.7., there is little motivation for pressure or coercion. In addition, Applicant, and his and his wife's family, became refugees under the Taliban and previously demonstrated their resistance to coercion. Applicant has demonstrated his support for the U.S. military involvement in Afghanistan. Significantly, when he worked in Afghanistan for three years, he put the interests of the U.S. ahead of his commitment to his own family who were all in the U.S. Indeed, he only saw them for limited home leave visits. He had no contact with his wife's family except for a brief visit with his wife's parents in 2004 when they were in the U.S. Under E.2.2.1.2., Applicant has had not sought to continue any ties to Afghanistan except to use his expertise as a translator to advance the interests of th U.S.

In addition, Applicant has a extremely favorable work history as noted above. Applicant is assessed as reliable as he does excellent work. Thus, I conclude given his deep ties to the U.S. with his immediate family in the U.S. (his wife and children, mother, and his siblings) it is unlikely that he could be exploited by coercive or non-coercive means by the government in Afghanistan in a way that could force Applicant to choose between loyalty to his wife's family who are now in Afghanistan and his loyalty to the United States. Under E.2.2.1.5., he would reliably resist any pressure tactics. Applicant demonstrated through his prior work in dangerous circumstances that he would never allow any pressure to comprise his integrity and his support for the U.S. Thus, any risk of either coercive or non-coercive foreign duress or influence on Applicant and/or his immediate family would appear to be slight and clearly manageable.

Contacts with citizens of other countries are relevant to security determinations only if they make an individual potentially vulnerable to coercion, exploitation, or pressure through threats against those foreign relatives. After considering the Adjudicative Process factors and the Adjudicative Guidelines, I conclude these limited family ties to his wife's family are not of such a nature as to create any tangible risks of undue pressure on Applicant.

In all adjudications the protection of our national security is the paramount concern. The objective of the security-clearance process is the fair-minded, commonsense assessment of a person's trustworthiness and fitness for access to classified information. Thus, the whole person concept recognizes the importance of viewing a person by the totality of their acts.

Applicant has met the heavy burden to mitigate these foreign influence security concerns. See, ISCR 04-12363, affirmed by the Appeal Board on July 14, 2006. Hence, I resolve SOR paragraph 1 and subparagraphs 1.a. through 1.c. in Applicant's favor.

### **FORMAL FINDINGS**

After reviewing the allegations of the SOR in the context of the Adjudicative Guidelines in Enclosure 2 and the factors set forth under the Adjudicative Process section, I make the following formal findings:

Paragraph 1. Guideline B FOR APPLICANT

Subparagraph 1.a.: For Applicant

Subparagraph 1.b.: For Applicant

Subparagraph 1.c.: For 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 the Applicant.

Kathryn Moen Braeman

Administrative Judge

1. This procedure is required by DoD Directive 5220.6, dated January 2, 1992 (Directive).
2. Applicant had no recollection of his security interview, nor of ever saying this brother-in-law worked in intelligence; no Statement was taken by the investigator at the time. Based on Appellant's communication skills and sometimes limited understanding of English at the hearing, I conclude it is possible that he did not fully understand the question.
3. The Taliban "rose to power in the mid 90's in reaction to the anarchy and warlordism that arose after the withdrawal of Soviet forces." They occupied Kabul in September 1996 and 90% of the country by the end of 1998. The fall of the Taliban in October 2001 opened a new chapter in Afghanistan's foreign relations as it is now an active member of the international community and has diplomatic relations with countries from around the world. U.S. Department of State, **Background Note: Afghanistan** at page 5 and at page 10. (AN I)
4. Afghanistan has had the largest refugee repatriation in the world in the last 30 years. The U.S. provided more than \$350 million to support Afghan refugees, returnees, and other conflict victims between September 2001 and March 2006. U.S. Department of State, **Background Note: Afghanistan** at page 9. (AN I)
5. 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.