

KEYWORD: Foreign Influence; Foreign Preference

DIGEST: Foreign preference concerns related to the possession of a Taiwanese passport are mitigated because the passport was obtained when she was a minor, and it has expired with a credible intent to not renew it. Concerns persist of undue foreign influence where Applicant's father is employed by the Taiwanese government and is a resident citizen of Taiwan. Clearance is denied.

CASENO: 06-24789.h1

DATE: 09/27/2007

DATE: September 27, 2007

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In re:)	
)	
-----)	ISCR Case No. 06-24789
SSN: -----)	
)	
Applicant for Security Clearance)	
_____)	

**DECISION OF ADMINISTRATIVE JUDGE
ELIZABETH M. MATCHINSKI**

APPEARANCES

FOR GOVERNMENT

Fahryn Hoffman, Esq., Department Counsel

FOR APPLICANT

Pro se

SYNOPSIS

Foreign preference concerns related to the possession of a Taiwanese passport are mitigated because the passport was obtained when she was a minor, and it has expired with a credible intent

to not renew it. Concerns persist of undue foreign influence where Applicant's father is employed by the Taiwanese government and is a resident citizen of Taiwan. Clearance is denied.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant. As required by ¶ E3.1.2 of Department of Defense Directive 5220.6 (Jan. 2, 1992), as amended, DOHA issued a statement of reasons (SOR) on January 30, 2007, detailing the basis for its decision—security concerns raised under Guideline B (Foreign Influence) and Guideline C (Foreign Preference) of the revised Adjudicative Guidelines (AG) issued on December 29, 2005, and implemented by the Department of Defense effective September 1, 2006. The guidelines were provided to Applicant when the SOR was issued. In an undated answer to the SOR, Applicant elected a decision based on the written record without a hearing. On May 23, 2007, Applicant requested a hearing before a DOHA administrative judge, and the case was assigned to me on June 29, 2007.

I convened a hearing on August 22, 2007, to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. One government exhibit (Ex. 1), Applicant's security clearance application, was admitted, and testimony was taken from Applicant. DOHA received the hearing transcript (Tr.) on September 5, 2007.

The record was held open until September 12, 2007, for Applicant to submit documentation, including information about her father's employment duties and/or the expiration of her Taiwanese passport. By facsimile on September 12, 2007, Applicant timely submitted information from the website of a Taiwanese government office (Ex. A), as well as extracts from her Taiwanese passport (Ex. B) and U.S. passport (Ex. C). Department Counsel filed a response on September 25, 2007, indicating the government had no objections, and the documents were admitted.

RULINGS ON PROCEDURE

On June 26, 2007, the government requested administrative notice be taken of several proposed facts concerning Taiwan and the People's Republic of China (PRC or China). Authority to consider the government's request is set forth in ¶ E3.1.10 of Department of Defense Directive 5220.6 (*The Administrative Judge may rule on questions of procedure, discovery, and evidence and shall conduct all proceedings in a fair, timely, and orderly manner*).

The DOHA Appeal Board has ruled that administrative or official notice in administrative proceedings is broader than judicial notice under the Federal Rules of Evidence. In ISCR Case No. 02-24875 (decided Oct. 12, 2006), the Appeal Board found no error by a DOHA administrative judge who took administrative notice of a U.S. State Department Country Report, as the document was an official U.S. government report relevant to the issues in the case before him, and it was provided in advance to the applicant who had an opportunity to rebut its contents or to present alternative information for the judge to notice.

Applicant objected to the relevance to her case of criminal wrongdoing perpetrated by other individuals, as represented in the press releases (IV, V) and the district court document (VI).¹ Facts are proper for administrative notice when they are easily verifiable by an authorized source and relevant and material to the case. For source documentation the government relied on publications of the Department of State;² the Congressional Research Service;³ the Centre for Counterintelligence and Security Studies;⁴ the National Counterintelligence Center, now known as the Office of the National Counterintelligence Executive;⁵ the U.S. China Economic and Security Review Commission;⁶ two press releases from the U.S. Department of Justice;⁷ and a record of the U.S. District Court for the Eastern District of Virginia.⁸

After weighing the reliability of the source documentation and assessing the relevancy and materiality of the facts proposed, I took administrative notice of certain facts as set forth below.⁹

FINDINGS OF FACT

DOHA alleged under Guideline B, foreign influence, that Applicant's father is a resident citizen of Taiwan (SOR ¶ 1.a), who works as an information officer for the Taiwanese government (SOR ¶ 1.b). Under Guideline C, foreign preference, Applicant was alleged to exercise dual citizenship with Taiwan and the U.S. (SOR ¶ 2.a) and to have possessed a Taiwanese passport from

¹The documents for administrative notice are identified per the government's request of June 26, 2007, and not as in the government's exhibit list presented at the hearing.

²See *Background Note: Taiwan*, dated April 2007 (I), *Background Note: China*, dated January 2007 (VIII), *China: Country Reports on Human Rights Practices-2006*, dated March 6, 2007 (XI), and *Consular Information Sheet on China*, dated March 19, 2007 (XII).

³See *Taiwan: Recent Developments and U.S. Policy Choices*, dated October 9, 2006 (II).

⁴See *Intelligence Threat Handbook*, excerpts, dated June 2004 (VII). The document was prepared for the Interagency OPSEC Support Staff by the Center for Counterintelligence and Security Studies, a private contractor.

⁵See *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage, 2000* (III) and *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage, 2005* (X).

⁶See *2006 Report to Congress*, November 2006 (IX).

⁷The press releases (IV) and (V) were presented apparently to substantiate that Taiwan actively pursues collection of U.S. economic and propriety information. Neither case involves Applicant personally. The April 18, 2006, press release (IV) concerns the sentencing of a U.S. citizen for conspiring to commit trade secret theft between December 1999 and December 2001 to the benefit of a corporation based in Taiwan. There is no evidence that Taiwan's government was involved in, or sanctioned the criminal activity. The January 22, 2007 (V) press release concerns the sentencing of a former U.S. State Department official for, in part, making false statements to the government concerning his relationship with a female Taiwanese intelligence officer and by not reporting that he had traveled to Taiwan where he met with the foreign intelligence officer.

⁸See U.S. District Court Eastern District of Virginia, Statement of Facts, dated December 12, 2005 (VI). The court records do not pertain to any criminal charge against Applicant.

⁹While a Taiwanese intelligence official was implicated in cultivating a personal relationship with a U.S. State Department official (VI), there is no indication that Applicant has ever been targeted.

about 1983 to at least February 2006 (SOR ¶ 2.b). Applicant admitted the Taiwanese residency and citizenship of her father but denied he was employed as alleged. She also admitted dual citizenship while denying possession of a Taiwanese passport from 1983 to at least February 2006.

After a thorough review of the pleadings, exhibits, and transcript, and having agreed to take administrative notice, I make the following findings of fact.

Applicant is a 24-year-old systems engineer II who has been employed by a defense contractor since October 2005. She earned bachelor of science degrees in two disciplines from a private prestigious technological university in the U.S., in electrical engineering and computer science in June 2004 and in management science one year later. She seeks a security clearance for her present duties.

Applicant's Background and Foreign Ties

Applicant was born in the U.S. in February 1983 to Taiwanese native citizens. For at least the last 23 years, her father has been employed in public affairs for the Taiwanese government as a secretary.¹⁰ Every few years, he is transferred to a different country where he publishes the positions of, and disseminates information in the interests of the Taiwanese government. Applicant's parents were temporarily in the U.S. for her father's job when Applicant and her sister (born in April 1981) were born. Applicant and her sister have U.S. citizenship from birth and derivative Taiwanese citizenship through their parents.

When Applicant was ten months old, her father was recalled to Taiwan. Applicant resided in Taiwan until she was six, when her father was transferred to England. While living in England, Applicant's parents had a son, who was born in October 1990. Applicant's brother is a citizen only of Taiwan.¹¹

In about 1994, the family returned to the U.S. When Applicant was in high school, her father was sent to Indonesia where he managed a small office of three public affairs personnel for the Taiwanese government. Applicant's mother remained in the U.S. with Applicant and her siblings so that they could attend school here.

From August 26, 1998, to September 7, 1998, Applicant traveled to Taiwan to see her father on a Taiwanese passport issued to her by the Taipei Economic and Cultural Office (TECO) in the

¹⁰Applicant testified that her father has worked for the same department for 23 years, since he graduated from college. (Tr. 36) Her sister was born in the U.S. 26 years ago, so it may well be that he has worked for more than 23 years for the Taiwanese government. She provided no alternative explanation for why her parents would have been in the U.S. in 1981.

¹¹Apparently, the United Kingdom does not confirm automatic citizenship to those born on U.K. soil ("[H]e was born there but they have different laws, so just because you were born there doesn't mean you are a citizen, so his citizenship is Taiwan.") Tr. 62

U.S. on November 26, 1996. The passport was valid to November 26, 2002. Her parents applied for the Taiwanese passport for her because it would facilitate her travel to Asia.¹²

On March 8, 1999, Applicant was issued her U.S. passport. She has not used that passport for foreign travel. Applicant traveled to Indonesia with her mother in July 2000 to see her father.¹³ Their plane fare was partially covered by the Taiwanese public affairs office.¹⁴ Before they returned to the U.S., Applicant and her mother stopped off in Taiwan to visit family members, including her mother's siblings. Applicant presented her Taiwanese passport to enter and exit Taiwan.¹⁵

In September 2000, Applicant began her undergraduate studies in the U.S. While in college, she used her U.S. passport as an identity card to travel on the airline shuttle between her home and college as she did not have a driver's license at the time. On her graduation from college, Applicant asked her father's opinion on which employment offer she should accept. He did some research on the companies and their employee benefits and advised her which offer she should accept.

In October 2005, she started working for her present employer doing systems integration work on an unclassified air traffic control project. Seeking a security clearance so that she can work on a classified project for the U.S. military, Applicant completed a Questionnaire for Sensitive Positions (SF 86) on February 13, 2006. She disclosed her dual citizenship with Taiwan and the U.S., the U.S. residency but Taiwanese citizenship of her mother and brother, and the Taiwanese residency and citizenship of her father. She reported her sister's residency and citizenship as U.S.¹⁶ Applicant responded "YES" to question 17D ["LAST 7 YRS, ACTIVE PASSPORT ISSUED BY A FOREIGN GOVERNMENT?"]. She indicated possession of a Taiwanese passport from an estimated February 1983 (her date of birth) to February 2006 (present), and added that she had the passport by default because her parents are Taiwanese citizens. Applicant did not have her Taiwanese passport with her when she completed the SF 86 and decided to indicate that she had the passport for her entire life since she did not know when it expired. In response to question 18 concerning any foreign countries visited, Applicant listed pleasure trips to Taiwan from July 1997 to August 1997 [sic] and to Indonesia from July 2000 to August 2000.

¹²Applicant testified she already had a U.S. passport when she obtained her Taiwanese passport (Tr. 36) The only U.S. passport in evidence (Ex. C) was issued after her Taiwanese passport (Ex. B), although she testified the current passport was "a form renewal." (Tr. 75).

¹³It is not clear whether she presented her U.S. passport or her Taiwanese passport to enter Indonesia on that trip as she submitted only the identifying information for her U.S. passport, and her Taiwanese passport bears stamps only showing entry into, and exit from Taiwan in 2000.

¹⁴Applicant testified that every few years, Taiwan's public affairs office would pay for the family to fly to Taiwan to visit her father. Applicant expressed her belief that the Taiwanese government paid for a one-way ticket for her in the summer of 2000 (Tr. 41), and on that trip, her mother used "a special sort of identification" which gained their entry into Taiwan (Tr. 42, 71). Applicant's Taiwanese passport bears stamps confirming she used her Taiwanese passport to both enter and exit Taiwan.

¹⁵Applicant testified to her recollection, she presented her Taiwanese passport when she left the U.S. The copies of her now expired Taiwanese passport and of her current U.S. passport do not show any stamps from U.S. immigration officials.

¹⁶At her hearing, Applicant testified that her sister was also a dual citizen of the U.S. and Taiwan. (Tr. 55)

Applicant has not visited her father in Taiwan since he was recalled there from Indonesia in 2001. She sees him about once a year, most recently in January 2007 when he came to the U.S. to visit his spouse and children over the New Year's holiday.

Applicant has decided to make her permanent home in the U.S. where she has lived since she was 11. Exposed to the cultural and social influences of the U.S., Applicant feels more American than British. She still maintains contact with some elementary school friends in England, and visits them from time to time, but she has stronger connections with her high school and college friends in the U.S. Applicant does not think of herself as a citizen of Taiwan and is willing to renounce Taiwanese citizenship. She does not know the island very well, has little recollection of her life there when she was a young child, and even though her father is there, he moves every few years for his job. Applicant has made no effort to renew her Taiwanese passport as she does not need it, and she has no intent to renew it. She does not think that Taiwan recognizes her as a citizen since she has not been required to comply with laws imposed on Taiwanese citizens, and does not receive health benefits, pay taxes, or have a national identity card from Taiwan. She does not belong to any Taiwanese cultural organizations in the U.S.

Applicant and her mother jointly own the townhouse that her mother moved into in December 2005. Applicant pays the \$2,500 monthly mortgage. Applicant currently resides in an apartment near her work. Applicant has about \$15,000 in savings in the U.S. She has no financial assets in Taiwan.

As of August 2007, Applicant's sister was living and working in the U.S. Her brother was in high school in the U.S. Both her siblings intend to remain permanently in the U.S. Applicant believes her brother intends to become a U.S. citizen. When Applicant's sister turned 21, she applied for permanent residency in the U.S. for their mother. Applicant's mother is still awaiting her "green card." When Applicant or her sister inquires about the delay, they are told it is pending a background investigation.

The Taiwanese government office employing Applicant's father covers domestic and international publicity, compilation, translation, audio-visual materials, mass media guidance and regulation, publication affairs, motion picture and broadcasting affairs, planning. Its main mission is to inform the public, both abroad and in Taiwan, of the government's policies, regulations, and actions, and to promote the development of the mass media (film, television, publishing). According to the office's website (Ex. A), the domestic information office releases news on major government administrative policies; disseminates information domestically about government policies, laws, and regulations; collects and reflects public sentiments, handles public relations within the country for the executive branch of the central government, and maintains "constant liaison" with the legislature. Its international department disseminates information about Taiwan internationally, gathers and responds to international media reports, and maintains the department's foreign language websites.

As of August 2007, Applicant's father was working in Taiwan. What Applicant knew of his duties is that he was working on a health referendum and on generating the press release notifying the public domestically of a new law requiring motorcyclists to wear helmets. (Tr. 32) Due to be stationed elsewhere, Applicant's father has requested to be assigned to the press division at the TECO in Applicant's locale in the U.S. where there is presently an opening. Applicant believes he intends to become a U.S. citizen when he retires. Her father turned 56 in early August 2007. He has

no plans to retire before her 16-year-old brother graduates from college. Applicant's father does not manage any personnel in his office in Taiwan. Applicant corresponds with her father via electronic mail when there is an issue that needs to be discussed. She has kept him apprised of her mother's condition since her mother had surgery in July 2007, and last emailed him in early August on his birthday. He had considered coming to the U.S. for his spouse's operation but decided not to because of the flight costs. Applicant's father knows she is a systems engineer who writes requirements/designs systems, but he has not asked her about specific projects.

Applicant has extended family members (aunts, uncles, and cousins) who are resident citizens of Taiwan. Applicant has visited with them when she was in Taiwan. She does not correspond with them because of the language barrier. They do not speak English. Applicant has limited conversational knowledge of Chinese gained through listening to her parents converse with each other in their native language. Her parents spoke English to her when she was growing up.

Administrative notice was taken of the following adjudicative facts. The government of Taiwan is a multiparty democracy. The United States recognizes that there is only one China, that the government of the PRC is the sole legal government of China, and that Taiwan is part of China. Nonetheless, under the Taiwan Relations Act of 1979, the U.S. conducts unofficial relations with Taiwan. Although the U.S. terminated its Mutual Defense Treaty, it has continued to sell appropriate military defensive material to Taiwan. The PRC has surpassed the U.S. as Taiwan's most important trading partner, but Taiwan maintains a large military establishment whose primary mission is the defense of Taiwan against the PRC, which is seen as the predominant threat and has not renounced the use of force against Taiwan. It is U.S. policy that the resolutions of disputes between Taiwan and China be peaceful. Taiwan is a major international trading power and a member of the World Trade Organization. It enjoys normal trade relations with the U.S., and ready access to U.S. markets. The U.S. State Department reports that Taiwan has taken dramatic steps to improve respect for human rights and create a democratic political system since ending martial law. In the past, organizations in Taiwan employed unlawful methods to obtain U.S. economic and intelligence information. Taiwan was listed as an active collector of U.S. economic intelligence as of 2000. As recently as 2004, a female Taiwanese intelligence officer cultivated a covert relationship with a U.S. State Department official.

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 authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960). An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue [her] security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002).

The revised Adjudicative Guidelines set forth potentially 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 the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

CONCLUSIONS

Guideline B—Foreign Influence

Under Guideline B, foreign influence, foreign contacts and interests may be a security concern if the individual has divided loyalties, or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as to whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism. (AG ¶ 6). Applicant shares an understandably close bond to her father, who has been employed for at least the last 23 years by the office of the Taiwanese government whose primary mission is to inform the public, both abroad and in Taiwan, of the government's policies, regulations, and actions, and to promote the development of the mass media (film, television, publishing) in Taiwan. Disqualifying condition (DC) ¶ 7(a) (*contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure or coercion*), applies.

The familial bond with her father is too strong to satisfy the first prong of mitigating condition ¶ 8(a) (*the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interest of a foreign individual, group, organization, or government and the interests of the U.S.*). Even though Applicant sees her father only about once or twice a year, she also corresponds with him by electronic mail and sought his advice when she was offered several jobs on her graduation from college. The risk of Applicant being placed in a position where she would have to choose between her father and the U.S. is diminished somewhat by the fact that Taiwan does not have a hostile relationship with the U.S., and is not known to sponsor terrorism. Taiwan has made considerable progress in achieving democratic elections, civil liberties, and stable, viable governmental institutions. As reported by the U.S. State Department, Taiwan has taken dramatic steps to improve respect for human rights and create a democratic political system since ending martial law in 1987. Almost all restrictions on the press have ended, restrictions on personal freedoms have been relaxed, and the prohibition against organizing new political parties has been lifted. While the U.S. does not support independence for Taiwan and is committed to a one China policy, under the Taiwan Relations Act, signed into law on April 10, 1979, the U.S. is obligated to help Taiwan defend itself, including making available defensive arms and defensive services to Taiwan. U.S. commercial ties

with Taiwan have been maintained and expanded since 1979, and Taiwan is not likely to jeopardize its relationship with the U.S. by overly pressuring its citizens.

Even nations with a history of friendly relations, however, do not always have the same interests. Taiwan was listed as an active collector of U.S. economic intelligence as of 2000. As recently as 2004, a female Taiwanese intelligence officer cultivated a covert relationship with a U.S. State Department official that bears troubling implications, although no proof of, active collection efforts by or on behalf of the Taiwanese government. Applicant's evidence fails to persuade that she is not at a heightened risk of undue foreign influence because of her father's employment with the Taiwanese government. Although his duties involve the open dissemination of information rather than intelligence or security, he is required to promote the Taiwanese government's interests. What little is known about his job history suggests he is likely in a position of some responsibility and/or prominence in the public affairs office in Taiwan. He was stationed abroad in the U.S. and U.K., countries of significant international influence and power with whom Taiwan wants to maintain favorable relations. He was in charge of the press office (albeit of only three persons) in Indonesia. His duties bring him in daily contact with other Taiwanese government officials who could exert influence.

Security concerns could be overcome by deep and longstanding relationships and loyalties in the U.S. (*see ¶ 8(b) (there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest)*). A U.S. citizen from birth only because her father happened to be stationed here at the time, Applicant did not begin to establish ties to the U.S. until she moved here in about 1994 with her family. Yet she has spent the most formative years of her still relative youth in the U.S. where she was influenced by her peers and American culture as a student in public school and then at a private university. She elected to pursue job opportunities in the U.S. Since about December 2005, she co-owns with her mother the townhouse her mother lives in. She testified credibly that she considers herself to be solely a citizen of the U.S. and she has strong relationships with her high school and college friends.

But her familial circumstances, albeit not within her control, make it very difficult to predict with confidence what she will do if faced with any undue foreign influence. While not alleged, she has close bonds, both familial and economic (through co-ownership of the townhouse) with her mother, a Taiwanese citizen who does not enjoy the protections of U.S. citizenship or even permanent residency. Her application for permanent residency, filed for her by Applicant's sister in about 2002, is still pending a background investigation. The family has made a significant sacrifice in her father's long separations from them for the sake of Applicant and her siblings' educations in the U.S., but it is also clear that the Taiwanese government information office is aware of this sacrifice as well. The office partially covered the cost of Applicant's and her mother's trip to Indonesia to see Applicant's father in 2000, and they were given some credential to facilitate their entry that is not available to the general public in Taiwan. Should Applicant's father be transferred to the local press office at the TECO, he will have regular contact with other Taiwanese government employees.

Guideline C—Foreign Preference

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. (AG ¶ 9). The government's concerns of foreign preference are based largely on dated or incorrect information such as the expiration date of the Taiwanese passport. Were it not for her parents' Taiwanese citizenship, Applicant would not be a citizen of Taiwan (*see* ¶ 11(a) (*dual citizenship is based solely on parents' citizenship or birth in a foreign country*)). While her use of a Taiwanese passport in preference to her U.S. passport in 2000 constituted the active exercise of dual citizenship (*see* DC ¶ 10(a) (*exercise of any right, privilege, or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to: (1) possession of a current foreign passport*)), she was only 17 when she used the passport and acted on the advice of her mother, who thought it would ease access if the border official was familiar with the language of the passport (*i.e.*, Chinese as opposed to English). MC ¶ 11(c) (*exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen or when the individual was a minor*) is pertinent. Furthermore, she has not possessed a valid Taiwanese passport for some time. Her Taiwanese passport expired in November 2002 and it has been cancelled (Ex. B). She does not intend to renew it. Accordingly, concerns of unverifiable travel that require the destruction, surrender or invalidation of a foreign passport (*see* ¶ 11(e) (*the passport has been destroyed, surrendered to the cognizant security, or otherwise invalidated*)) no longer exist.

Applicant credibly testified to a preference for the U.S. She considers herself solely a U.S. citizen and her ties to Taiwan are solely familial. Although she has traveled to Taiwan to see her father and visited with extended family members while there, she is not that familiar with the island. She has no assets there, has never paid taxes, voted, or performed military or other service for Taiwan. It is clear she has little sense of obligation or affinity to Taiwan. She left there before she developed any appreciation for life in Taiwan, or any significant friendships. When stating her preference, she indicated she felt more American than British. Apparently the five or so years she spent in the U.K. as an elementary student had more impact on her than did her time in Taiwan.

Whole Person Analysis

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. (AG ¶ 2(a)). Applicant is a very well educated young professional who, along with her mother and siblings, has endured long absences from her father because of his work for the Taiwanese government. While she has demonstrated a clear preference for the U.S., she is at heightened risk of exploitation, pressure, or influence because of her close bonds to her parents whose lives have been dictated in significant part by the Taiwanese government for at least the past 23 years.

FORMAL FINDINGS

Paragraph 1. Guideline B:

AGAINST APPLICANT

Subparagraph 1.a:

Against Applicant

Subparagraph 1.b:

Against Applicant

Paragraph 2. Guideline C:

FOR APPLICANT

Subparagraph 2.a:

For Applicant

Subparagraph 2.b:

For Applicant

DECISION

In light of all of the circumstances 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