

DATE: December 20, 2007

In Re:

SSN: -----

Applicant for Security Clearance

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) ISCR Case No. 07-04860
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**DECISION OF ADMINISTRATIVE JUDGE
THOMAS M. CREAN**

APPEARANCES

FOR GOVERNMENT

Francisco Mendez, Esq., Department Counsel

FOR APPLICANT

Joseph P. Drennan, Esquire

SYNOPSIS

Applicant is an information technology specialist for a defense contractor. He has a mother and siblings residing in Jordan, Saudi Arabia, and the United Arab Emirates. He destroyed his Jordanian passport before a cognizant security official. He mitigated security concerns for his family members in Jordan, Saudi Arabia, and the United Arab Emirates. Clearance is granted.

STATEMENT OF THE CASE

On August 14, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a

Statement of Reasons (SOR) detailing the basis for its decision to deny a security clearance for Applicant. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1990), as amended, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive). The new adjudicative guidelines, promulgated by the President on December 29, 2005, and effective in the Department of Defense on September 1, 2006, will be used to adjudicate this case. Applicant acknowledged receipt of the SOR on August 20, 2007. The SOR alleges security concerns under Guideline B (Foreign Influence), and Guideline C (Foreign Preference) of the Directive.

Applicant answered the SOR in writing on September 4, 2007. He admitted all of the factual allegations under both Guidelines but provided an explanation why the facts did not raise a security concern. He requested a hearing before an administrative judge, and the request was received by DOHA on September 6, 2007. Department Counsel was prepared to proceed with the case on October 31, 2007. The case was assigned to another Administrative Judge on November 5, 2007, and reassigned to me on November 20, 2007. A notice of hearing was issued on November 28, 2007, and the hearing convened on December 5, 2007. Eight government exhibits (Government Exhibits 1-8) were received and admitted without objection. Eight Applicant exhibits (Applicant Exhibits A-H) were received and seven admitted into evidence without objection. Applicant Exhibit H was not admitted since it was a duplicate of a matter already in the case file. The testimony of the Applicant and three Applicant witnesses were received during the hearing. The record was held open for Applicant to submit an additional document (Applicant Exhibit I) which was timely submitted and admitted without objection. DOHA received the transcript on December 17, 2007.

FINDINGS OF FACT

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact.

Applicant is 54 years old and an information technology specialist for a defense contractor. He was born in Jordan, but has lived in other Middle East countries. He and his family lived in a Middle East country where he received his schooling through high school. He attended college in another Middle East country where he received a bachelor's degree in electrical engineering in 1976. He returned to the country where he received his early education, and worked as an engineer for four years. He emigrated to the United States on a student visa in 1980, receiving a Masters of Business Administration degree from a United States university in 1982. His student visa was changed to a work visa and he commenced working for a friend's import-export business until 1984 when he started his own information technology business. His company did computer programing on a system for word processing in a variety of languages. In 1989, his company ceased operations and he became an independent information technology consultant. In 2000, he started working for

various companies in the information technology field. He consulted on projects, including for a

United States military command from which he received a letter of commendation.¹

Applicant first married in 1982 , and divorced in 1996. He has three children from that marriage. These children were born in the United States, are United States citizens, and reside in the United States attending college. He married his present wife in 1997. They have one child who was born in the United States and is a United States citizen. The child attends elementary school and resides with Applicant and his wife in the United States. Applicant and his wife recently adopted an infant child from an orphanage in Israel. The adoption has been approved by a United States court.² His wife is a dual Jordanian and United States citizen. Her Jordanian citizenship is merely because she was born in Jordan. She has a brother who is a resident of the United States and another brother who is a resident of United Arab Emirates. Applicant and his family have resided in the same house in the United States since 1997.³

Applicant became a United States citizen in 1990 and issued his first United States passport the next day. He used this passport in 1995 to take his family to Jordan to visit relatives. When he and the family entered Jordan with United States passports, they had to stand in a long line and pay a fee. Applicant also had to report to the local police station after two weeks. He went to Jordan in 1996 using his United State passport and encountered the same long line and fee requirement. He also used the United States passport on various business trips to different countries, like Saudi Arabia, while marketing his information technology products.⁴ Applicant renewed his United States passport in January 2000 and it expires in January 2010. He used this passport to travel on business to Saudi Arabia, United Arab Emirates, and Canada on business. He also travel to Mexico and Canada for pleasure trips using the passport.⁵ He used his United States passport to enter Israel in 2005 for the purpose of adopting a child.⁶

Applicant is considered by Jordan a Jordanian citizen because he was born in Jordan of Jordanian parents. He had a Jordanian passport when he emigrated to the United States. He renewed the passport in 2000, but never used it.⁷ He was issued a current Jordanian passport on July 12, 2005, which is to expire on July 12, 2010.⁸ Applicant used the passport twice. He went to Jordan in August 2005 to visit his mother and to bring her back to the United States. He used the passport as a matter of convenience so he did not have to stand in line, pay a fee, or check in with the local

¹Tr.24-31; Government Exhibit 1 (Security Clearance Application, dated June 23, 2005); Government Exhibit 4 (Letter of Commendation, dated August 4, 2004).

²Tr. 31-35; 50-52; Applicant Exhibit A (Passport, issued April 18, 1990); Applicant Exhibit E (Adoption Order, dated August 16, 2007).

³Tr. 97-99. Applicant's wife's brothers are not alleged as security concerns.

⁴Tr. 35-39, 78-80.

⁵Tr. 44-47; Applicant Exhibit C (United States passport, issued January 24, 2000).

⁶Tr. 50-51.

⁷Tr. 40; Applicant Exhibit B (Jordanian Passport, issued May 9, 2000).

⁸Applicant Exhibit D (Jordanian Passport, issued July 12, 2005).

police. He used the passport again in April 2007, when he brought his mother back to Jordan. He wanted to make the passage through the Jordanian immigration as easy as possible for his mother.⁹

Applicant was interviewed by a security agent in December 2006. The agent questioned him about his Jordanian passport but did not inform him that possession of a foreign passport was a security concern. In fact, Applicant understood from the agent that there was no issue with his Jordanian passport.¹⁰ The first he knew there was an issue was on receiving the SOR. He contacted his facility security officer and learned the company could not assist him and his only action was to return the passport to the Jordanian government. He had a friend contact the Jordanian embassy to learn the procedure to return the Jordanian passport and renounce his Jordanian citizenship. He did not at first contact them himself because he did not want them to know he was applying for a security clearance. His friend learned that the process to return the passport and renounce the citizenship was long, complicated, and expensive. Applicant himself contacted the embassy and learned the same information. He was directed to an internet site for a form and directions.¹¹ The procedures required submitting the form, paying a \$2,000 fee, and waiting for a decision by the Jordanian government. Acceptance of the request to renounce Jordanian citizenship is not guaranteed. Applicant knew the Embassy would not accept his passport for return. Applicant does not have the \$2,000 fee readily available nor the time to wait for a Jordanian government decision. He stamped the passport “cancelled” on his own.¹² Applicant destroyed the current Jordanian passport in the presence of his facility security officer as a cognizant security authority, and sent the destroyed passport to the Jordanian Embassy. Applicant no longer has a current Jordanian passport in his possession.¹³

Applicant had seven brothers and sisters. His father passed away but his mother is still alive. His mother was born in the 1920s in the area that at the time was Palestine. The area became Jordan in the late 1940s.¹⁴ She is a dual citizen of Canada and Jordan. She is 86 years old and receives no support from the Jordanian government. She does receive benefits from the Canadian government. His brother provides the main support for his mother, and Applicant does not provide support. Applicant’s mother lived with Applicant and his family in the United States from 2005 to 2007. She became sick in late 2006, and returned to Jordan in April 2007 when strong enough to travel.¹⁵

Applicant’s two sisters and a brother are residents and citizens of Jordan. One sister and the brother are also dual citizens of Canada. The sisters are housewives who are not employed outside the home. One had been a school teacher but is now not employed. The brother is a medical doctor who is a university professor. Applicant’s relationship with them is good. They do not talk every

⁹Tr. 52-53.

¹⁰Tr. 78-81, 102-103.

¹¹Applicant Exhibit F (Jordanian instructions and translation, dated December 3, 2007)

¹²Tr. 60-66.

¹³Tr. 67-78; Applicant Exhibit G (Copy Jordanian Passport, July 12, 2005, expiration July 12, 2010); Applicant Exhibit I (Affidavit of Facility Security Officer, and delivery notice, dated December 18, 2007).

¹⁴Tr. 92.

¹⁵Tr. 82-83.

day but do communicate by e-mail. When their mother lived with Applicant in the United States, they talk more frequently. Now he talks to them only a few times a year, mainly concerning the health of their mother.¹⁶ He has a brother who is a dual Jordanian and Canadian citizen residing in the United Arab Emirates. He is employed by a construction company. When their mother lived with Applicant, he had frequent contact with the brother by e-mail or telephone when the brother inquired about their mother's health. Now the contact is very infrequent. He communicates usually over the internet by instant message. His last contact with the brother was about three months ago. Applicant also visited the brother in 2000 when Applicant was in the country on a business trip.¹⁷

Applicant has a brother that is a dual Canadian and Jordanian citizen residing in Saudi Arabia. His brother's wife is the sister of his first wife. Since he and his first wife divorce, he and this brother are estranged. At best, his contact with him is by e-mail once a year.¹⁸ He has a sister who is a resident and citizen of Canada since 1972, and another sister who is a resident and citizen of the United States.¹⁹

Applicant does not own any property outside the United States. He has never voted in a foreign election or run for political office in a foreign country.²⁰ When he owned his own company, he did some work for an American company that had a contract with a company from Saudi Arabia. He traveled to Saudi Arabia to work on the project in 2000. He was not a consultant to the Saudi Arabian government but was a consultant to the United States company. He also went to Saudi Arabia in the early 1990s as an employee of another company to attempt to sell a computer program to the Saudi Arabian government. Under the same contract, he worked with Saudi Arabian military officers at the embassy on a computer network. The highest embassy official he worked with was a military attache.²¹

An Applicant witness testified he holds a security clearance and worked closely with Applicant for over four years from 1999 to 2003. He was a company vice-president and Applicant worked closely with him on a project that lasted a few years. They traveled extensively together on

this project. He does not know Applicant socially. Applicant has an excellent reputation for honesty and integrity. He has seen and talked to Applicant since they both left their former employer.²²

An Applicant witness, a retired military officer, testified he is a vice president of Applicant's

¹⁶Tr. 56-57, 82-83, 93-94.

¹⁷Tr. 84-85.

¹⁸Tr. 92-93.

¹⁹Tr. 100-101; **Government** Exhibit 3 (Interrogatories, dated July 17, 2007). These sisters are not listed as security concerns.

²⁰Tr. 101-102.

²¹Tr. 86-88.

²²Tr. 104-111.

present employer. He has known Applicant for over two years, has frequent exchanges with him, and receives reports from other managers. Applicant is a very trustworthy, honest, and a direct individual. He works hard, is dedicated to achieving the goals, and goes above and beyond what is required. He is confident that Applicant is trustworthy and honest.²³

Another Applicant witness testified she is the functional lead on a project for Applicant's employer. She has worked with Applicant on the project for over two years. She interacts with him on a daily basis. They work closely developing, testing, and implementing the system they designed. Applicant is always honest, hard working, and performs the tasks needed to be done. Applicant's reputation for integrity and honesty with her and his fellow employees is very positive.²⁴

Jordan is a small constitutional monarchy in the Middle East with a developing economy. The government follows a pro-western foreign policy and has had close relationships with the United States for over 40 years. There are human rights problems and torture by police and security forces. Jordanian law applies to dual Jordanian and American citizens. Jordan has aggressively pursued terrorists and takes a firm stance against terrorist. However, the threat from terrorists remains high. Terrorists target areas frequented by westerners. The Jordanian security forces have disrupted numerous plots against United States interests. However, there is a continued focus by terrorists against United States and Jordan.

Saudi Arabia is a monarchy ruled Middle East country. There are no political parties or elections. There are significant human rights problems. The religious police harass and abuse individuals to comply with religious actions and customs. However, Saudi Arabia and the United States share a common concern over regional security. The United States relationship with Saudi Arabia was strained after September 11, 2001, because the overwhelming majority of terrorists that day were from Saudi Arabia. There have been other terrorists attacks against United States citizens since 2001. This required the State Department to issue a travel warning for Saudi Arabia because of the terrorist activities targeted against American citizens and interest. Saudi Arabia believes in fighting terrorism in its own country, has taken steps to curtail terrorist and terror plans within its borders, and has had some successes.²⁵

The United Arab Emirates is a federation of individual ruled emirates. The government is a federal republic with a president and council of ministers. Its laws and practices come from Islamic ideals and beliefs. The country is one of the leading partners in the region against terrorism, providing military , diplomatic and financial assistance. The United States and United Arab Emirates have enjoyed a friendly relationship since the Emirates were established. There are human rights problems due to lack of elections, a questionably independent judiciary, and

²³Tr. 113-120.

²⁴Tr. 121-126.

²⁵See Government Exhibit 6 (Background notes, Saudi Arabia, dated June 2007); Saudi Arabia,(Country Report on Human Rights Practices, 2006); Department of State (Country Report on Terrorism, Chapter 2, Middle East and North Africa Overview, dated April 30, 2007)..

restrictions on civil liberties.²⁶

In general, United States intelligence agencies report that terrorists have targeted United States personnel and interests to collect intelligence through human espionage and by other means. Travelers are advised by the State Department to be cautious of their surroundings and to maintain a high level of vigilance.²⁷

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.”²⁸ Eligibility for a security clearance is predicated upon the applicant meeting the security guidelines contained in the Directive.²⁹

The Directive sets out the adjudicative guidelines for making decisions on security clearances. Enclosure 2 of the Directive sets forth adjudicative guidelines for determining eligibility for access to classified information, and it lists the disqualifying conditions and mitigating conditions for each guideline. Each clearance decision must be fair, impartial, and a commonsense decision based on the relevant and material facts and circumstances, the whole person concept, and the factors listed in the Directive ¶ 6.3.1 through ¶ 6.3.6.

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. An Administrative Judge must apply the “whole person concept,” and consider and carefully weigh the available reliable information about the person,. An administrative Judge should consider: (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 applicant’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 of recurrence.³⁰

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

²⁶See Government Exhibit 8, (Background Notes, United Arab Emirates, June 2007). It should also be noted that Department counsel initially noted Israel as a country of concern. The government no longer considers Israel a security concern. Tr. 130.

²⁷See Government Exhibit 5, Background Note: Jordan, May 2007.

²⁸*Department of the Navy v. Egan*, 484 U.S. 518 (1988).

²⁹Directive ¶ E2.2.1.

³⁰Directive ¶¶ E2.2.1.1 through E2.2.1.9.

a security clearance is not necessarily a determination as to the loyalty of the applicant.³¹ It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must present evidence to establish controverted facts in the SOR that disqualify or may disqualify the Applicant from being eligible for access to classified information.³² Thereafter, Applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate facts.³³ An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.”³⁴ The government is under no duty to present evidence to disprove any Adjudicative Guideline mitigating condition, and an Administrative Judge cannot assume or infer that any particular mitigating condition is applicable merely because the government does not present evidence to disprove that particular mitigating condition. ³⁵ “[T]he Directive presumes there is a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability.”³⁶ “Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security.”³⁷

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

CONCLUSIONS

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

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he may be prone to provide information or make decisions that are harmful to the interests of the United States.³⁸ Applicant became a United States citizen in 1990, but is considered by Jordan a citizen of that country because of his birth in Jordan. He received a United States passport when he became a United States citizen. He used this passport on his travels, including travels to Jordan, except as noted below. Applicant twice renewed his Jordanian passport after

³¹See Exec. Or. 10865 § 7.

³²Directive ¶ E3.1.14.

³³ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002); see Directive ¶ E3.1.15.

³⁴ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002).

³⁵ISCR Case No. 99-0597 (App. Bd. Dec 13, 2000).

³⁶ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996) (quoting DISCR Case No. 92-1106 (App. Bd. Oct. 7, 1993))

³⁷*Egan*, 484 U.S. at 531; see Directive ¶ E2.2.2.

³⁸AG ¶ 9.

obtaining United States citizenship. He possessed and used that passport to enter Jordan in 2005 and 2007. Possession and use of the Jordanian passport raises Foreign Preference Disqualifying Condition (FP DC) AG ¶ 10(a) (Exercise of any right, privilege, or obligation of foreign citizenship after becoming a United States citizen or through the foreign citizenship of a family member. This includes but is not limited to: (1) possession of a current foreign passport.)

Applicant did not know that possession and use of the passport was a security concern until he received the SOR. Thereafter, he became aggressive in attempting to denounce his dual citizenship with Jordan and relinquish his Jordanian passport. He presented information and evidence that he informed officials in the Jordanian embassy of his desire to renounce his citizenship. He destroyed the passport in front of a cognizant security official from his employer and sent it to the Jordanian embassy. He mitigated the security concerns for foreign preference under Foreign Preference Mitigating Conditions (FP MC) ¶ 11(b) (The individual has expressed a willingness to renounce dual citizenship), and FP MC ¶ 11(e) (The passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.) He no longer has a current Jordanian passport. He took the necessary step to renounce his Jordanian citizenship and destroying his Jordanian passport. Applicant has mitigated security concerns for foreign preference.

Under Guideline B, 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 in a way that is not in the United States interest, 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 whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.³⁹

Applicant's mother, a sister, and a brother are dual citizens of Canada and Jordan and reside in Jordan. He also has a sister who is a citizen and resident of Jordan. He has two brothers that are dual citizens of Jordan and Canada, one residing in Saudi Arabia, and the other in the United Arab Emirates. He visited Jordan in 2005 and 2007 for pleasure, and traveled on business to Saudi Arabia and the United Arab Emirates in 2000. Appellant's relatives who are citizens and residents of Jordan, his brothers in Saudi Arabia and United Arab Emirates, and his travels to see them raises Foreign Influence Disqualifying Condition (FI 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). Since each individual contact or activity by itself may or may not create a heightened risk

of foreign influence, the totality of the contacts must be considered to determine if there may be a heightened risk of foreign influence.

In determining if Applicant's family in Jordan causes security concerns, I considered that Jordan has enjoyed friendly relations with the United States for many years. I also considered that there are human rights violations and concerns because of the actions of police and security forces. In determining if his brother in Saudi Arabia causes a security concern, I considered that the United

³⁹AG ¶ 6.

States and Saudi Arabia share a common concern for regional security in the Middle East and there are significant human rights concern. As for the security concern for his brother in the United Arab Emirates, I considered that the United States has a long history of friendly relations with the country since its founding. I also considered the threat of terrorism and terrorist activity in each country. There is no doubt that terrorists are active in each country and there have been terrorists activities targeting western and United States interest. However, these are general terrorist actions, like suicide bombings and shootings, that did not target specific individuals but are just meant to kill any person that happened to be in an area. Each country has been active in fighting terrorism in their countries and have had some successes. Each country also cooperates with the United States in fighting terrorism and terrorist groups. While terrorists in general will target individuals to obtain intelligence against the United States, there have been no reported instances of citizens of any of these countries being specifically targeted by terrorists for intelligence purposes. While none of these considerations by themselves dispose of the issue, they are all factors to be considered in determining Applicant's vulnerability to pressure or coercion from his family members in Jordan, Saudi Arabia, and the United Arab Emirates.

Applicant raised Foreign Influence Mitigating Condition (FI MC) ¶ 8(c) (Contacts and communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation) as to his brother in Saudi Arabia. Applicant has little if any contact with this brother because of his divorce from his first wife who is the sister of his brother's wife. The contact is very infrequent by e-mail and the strained relationship does not create a likelihood of creating a risk for foreign exploitation of Applicant through his brother. Applicant has mitigated the security concern for this brother because his contact with the brother is infrequent and casual. His contacts with his mother and siblings in Jordan and his brother in the United Arab Emirates are more frequent and are normal for a family. They are not casual and infrequent, therefore, this mitigating condition does not apply to these family members.

As for the family members in Jordan and the United Arab Emirates, Applicant has raised Foreign Influence Mitigating Conditions (FI MC) ¶ 8(a) (The nature of the relationship 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 is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States). Applicant's mother, brother, and one sister are dual Canadian and Jordanian citizens residing in Jordan. His other sister is a Jordanian citizen residing in Jordan. His brother is a dual Canadian and Jordanian citizen residing in the United Arab Emirates. His mother is elderly and in poor health. His sisters are housewives and his brother in Jordan is a university professor. His brother in the United Arab Emirates works in construction. None ever worked for any foreign government. Applicant's contact with them is usually by e-mail with occasional telephone calls. He did see his siblings when he accompanied his mother on her return to Jordan in April 2007. While there is terrorism in Jordan and the United Arab Emirates, it is not of a high intensity or specifically targeting people like his family members. The level and type of terrorist activity does not cause a security concern for Applicant and his family members. The family members' living conditions, life style, and professions, and his limited contact with them show it is unlikely Applicant will be placed in a position to choose between the interests of his family and the interests of the United States. Applicant has met his burden to establish that his family in Jordan and the United Arab Emirates do not present a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. They are ordinary citizens leading normal lives which also does not indicating a heightened risk for exploitation, pressure, or coercion. FI MC ¶ 8(a) applies.

Applicant raised FI MC ¶ 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 minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the United States interest.) Applicant left the Middle East to come to the United States for a better education. He has been here for over half his life, raised a family here, and been successful. His sense of loyalty is to the United States and the life he has established for himself. His sense of obligation to Jordan is minimal since he renounced his Jordanian dual citizenship and destroyed his passport. Since becoming a United States citizen, he has used his United States passport for most of his travels thus highlighting his United States citizenship. FI MC ¶ 8(b) applies.

I carefully considered all of the circumstances discussed above in regard to disqualifying and mitigating conditions as well as the following factors in light of the "whole person" concept. The "whole person" concept requires consideration of all available information about Applicant, not a single item in isolation, to reach a common sense determination concerning Applicant's security worthiness. Applicant has family members in Jordan, Saudi Arabia, and the United Arab Emirates. These simple facts alone might be sufficient to raise security concerns over Applicant's vulnerability to coercion, exploitation, or pressure. However, mere family ties with people in a foreign country is not, as a matter of law, disqualifying under Guideline B. Whether an applicant's family ties in a foreign country poses a security risk depends on a common sense evaluation of the overall facts and circumstances of the family ties. Applicant's family in Jordan and the United Arab Emirates, both individually and collectively, are in positions and circumstances that make it unlikely Applicant will be placed in a position to choose between the interests of his family and the interest of the United States, or that he can be exploited, pressured, or coerced because of them. Applicant has been in the United States for over half his life, and a citizen of the United States for over 17 years. His co-worker and his supervisor consider him to be security conscious and not a security risk.

Applicant's life story is an example of the success of many immigrants to the United States. He came to the United States early in his life to better himself through education, and became a United States citizen. The family enjoys a typical United States life style with his children being educated in the United States. He visits to Jordan, Saudi Arabia, and the United Arab Emirates have been limited and for personal or business reasons rather than any connection to the foreign governments. He has established that his motivation for his contacts and activities with his family in Jordan, Saudi Arabia, and the United Arab Emirates do not indicate a security risk. He has renounced his Jordanian citizenship and destroyed his Jordanian passport.

The general threat of terrorism in and of itself does not cause a security concern. There is a general threat of terrorism and terrorist activity throughout the world, including in the United States. The countries involved are actively fighting terrorists and have succeeded in stopping some terrorist activities. In Jordan and the United Arab Emirates, there is a general threat and not a specific threat targeting terrorism of Applicant's family members. Applicant has presented sufficient information to mitigate any security concerns under the "whole person" concept. I conclude Applicant is eligible for access to classified information.

FORMAL FINDINGS

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline C:

FOR APPLICANT

Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant

Paragraph 2, 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
Subparagraph 1.f:	For Applicant
Subparagraph 1.g:	For Applicant
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	For Applicant

DECISION

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national security to grant a security clearance for Applicant. Clearance is granted.

Thomas M. Crean
Administrative Judge