



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 11-06106
)
Applicant for Security Clearance)

Appearances

For Government: Alison O’Connell, Esq., Department Counsel
For Applicant: *Pro se*

02/26/2013

Decision

O’BRIEN, Rita C., Administrative Judge:

Based on a review of the pleadings and exhibits, I conclude that Applicant has not mitigated the security concerns raised under the guidelines for foreign influence and foreign preference. His request for a security clearance is denied.

Statement of the Case

On June 27, 2012, the Department of Defense (DOD) issued a Statement of Reasons (SOR), pursuant to Executive Order 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended; and the adjudicative guidelines (AG) implemented by the DoD on September 1, 2006. The SOR listed security concerns addressed in the Directive under Guidelines B (foreign Influence) and C (foreign preference). In his July 18, 2012 Answer to the SOR, Applicant admitted allegations 1.a through 1.d and 1.h under Guideline B; he denied allegations 1.e

through 1.g. He admitted both allegations under Guideline C. Applicant also requested a decision without a hearing.

Department Counsel for the Defense Office of Hearings and Appeals (DOHA) prepared a written presentation of the Government's case in a File of Relevant Material (FORM) dated November 21, 2012. She forwarded it to Applicant, along with eight evidentiary documents (Items 1 through 8) on November 27, 2012. Applicant received the FORM on December 20, 2012. His response was due on January 19, 2013, 30 days from the date he received it. Applicant did not submit a response. The case was assigned to me on February 20, 2013, for an administrative decision based on the record.

Procedural Matters

Department Counsel's FORM amended the SOR by changing three allegations (1.e through 1.g), and adding four new allegations (1.i through 1.l). As Applicant did not respond to the amended allegations or the new allegations, I have deemed Applicant's position as follows.

- Department Counsel changed subparagraphs 1.e and 1.f to align with the corrections Applicant submitted in his Answer. I deem Applicant to have admitted these amended allegations, as they reflect the information he provided;
- The amendment to subparagraph 1.g is substantive, because Department Counsel added the employment of Applicant's friend. I deem Applicant to have denied this allegation;
- Three of the new subparagraphs 1.i through 1.k, list information about the citizenship and residency of Applicant's wife, two brothers-in-law, and three sisters-in-law. Subparagraph 1.l lists property owned by Applicant's wife. I deem Applicant to have denied these allegations.

In addition, Department Counsel requested I take administrative notice of information related to Pakistan and Saudi Arabia. Administrative or official notice is the appropriate type of notice used for administrative proceedings.¹ The facts administratively noticed are limited to matters of general knowledge and not subject to reasonable dispute. The most common basis for administrative notice at ISCR proceedings is notice of facts from Government reports. I take administrative notice of facts relating to Pakistan and Saudi Arabia set forth in the Government documents provided by Department Counsel, and marked as HE I.

¹ See ISCR Case No. 05-11292 at 4 n.1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004)); *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986)).

Findings of Fact

Applicant's admissions in response to the SOR are incorporated as findings of fact. After a thorough review of the pleadings, Applicant's response to the SOR, and the FORM, I make the following additional findings.

Applicant is 45 years old and was born in Pakistan. He earned a bachelor's degree in agricultural engineering in Pakistan in 1990. He has not served in the Pakistani military. He came to the United States in August 1999. Applicant traveled to Pakistan in February 2007, and married a Pakistani citizen there in March 2007. They remained in Pakistan until May 2007. They have a two-year-old daughter, who was born in the United States. As of October 2010, his wife was a citizen of Pakistan, residing in the United States. (Items 5, 8)

Between 1999 and 2010, Applicant worked in retail sales and as a bank teller. While a bank teller in September 2010, he was terminated after he had a verbal altercation with a customer. He disclosed this incident on his security clearance application. In November 2010, he accepted his current position with a defense contractor. Applicant is employed in Afghanistan. (Items 5, 7, 8)

Applicant became a U.S. citizen in November 2007, and received a U.S. passport in February 2008. In his security interview of November 8, 2010,² Applicant stated he used his U.S. passport when he took a trip from the United States to Pakistan in January 2009, and returned in February 2009. The record evidence includes the front and back cover of this passport, and six interior pages. Those pages show a trip to Pakistan from January to February 2009, and a six-month visa for travel to Saudi Arabia, valid from January to June 2009. In his security interview of November 8, 2010,³ (Items 5, 7, 8)

When Applicant completed his security clearance application in November 2010, he possessed a Pakistani passport that was valid from 2004 to May 2009. The record is ambiguous about which passport Applicant used for trips to Pakistan after 2007. In his 2012 interrogatory response, Applicant stated he used this Pakistani passport for the 2009 trip, "so that I don't have to pay a visa fee and also save a trip going to (city) and deal with the lazy staff of embassy for obtaining a visa." Applicant also admitted SOR

² Applicant was interviewed on November 8, 2010 by a U.S. Army agent. The report notes that the Applicant "confirmed the Unsworn Declaration," resulting this interview. (Item 8) Applicant was also interviewed by an agent of the Office of Personnel Management (OPM) on November 22, 2010. Item 6, a DOHA interrogatory, contains a report of that interview, which was forwarded to Applicant for his review. Item 7 contains other parts of the Interrogatory, but not the interview report. Neither Item 6 nor Item 7 contains an affirmation by Applicant that the interview summary is accurate, or that he adopts its contents. Given that Applicant has not confirmed the accuracy of the OPM interview, I will not consider it in my findings of fact, and will rely instead on the November 8, 2010 interview (Item 8) and Applicant's signed and notarized responses to the DOHA interrogatory. (Item 7)

subparagraph 2.b, which alleged he used his Pakistani passport for travel to Pakistan instead of his U.S. passport. (Item 5; Item 7 at p. 22; Item 8)

Applicant's Pakistani passport does not show entry or exit stamps in January and February 2009. It is unclear why Applicant stated he used his Pakistani passport for this 2009 trip. I cannot determine if Applicant traveled to Pakistan on his Pakistani passport at other times, and simply confused the dates, because the copy of his Pakistani passport is missing pages 10 through 17. Applicant traveled to Afghanistan for his job in 2010, 2011, and 2012, but his Pakistani passport had expired by that time. (Items 5, 7, 8)

Applicant admits that he possesses a Pakistan National Identity Card, which is issued to Pakistani citizens who reside outside Pakistan. The card was issued in April 2006 and will expire in March 2016. During his interview on November 8, 2010, Applicant stated that he considered himself a dual citizen, because he had never renounced his Pakistani citizenship. He did not list himself as a dual citizen in his security clearance application. (Item 5; Item 8 at pp. 3 and 42)

Applicant's parents are deceased. His father was an engineer, and his mother was a homemaker. One of his brothers⁴ and his two sisters are citizens and residents of Pakistan. Applicant's brother works for the Pakistani government, and has been the assistant to the head of a provincial health department in a province in the Federally Administered Tribal Areas (FATA) region for approximately 30 years. In 2010, Applicant said he talks to his brother by telephone once per month; in 2012, he said he talks with his brother once every three months. Applicant's oldest brother passed away in April 2012. He had worked for the Pakistani government for several decades as a contract negotiator. Applicant has three sisters-in-law who are all homemakers and citizen-residents of Pakistan. He speaks with them once or twice per month. (Items 5, 7, 8)

Applicant's sisters are both homemakers. He talks to one about twice per month, and the other eight times per year. As of 2010, Applicant had three brothers-in-law. Two were citizen-residents of Pakistan. One is a retired doctor, and the other holds a government job as a director in the department of labor services. Applicant speaks with them once every three or four months. Applicant's third brother-in-law is a citizen of Pakistan, who resides in Saudi Arabia. He is employed as a planning engineer. Applicant speaks with him two or three times per year; their last contact was in April 2012. (Items 5, 7, 8)

Applicant's parents-in-law are also citizen-residents of Pakistan. His mother-in-law is a homemaker and his father-in-law is a retired electrical engineer. He speaks with his parents-in-law once per month. Applicant also has a nephew who joined the

⁴ Applicant had three brothers, but only two are alleged in the SOR. The non-alleged brother is a citizen-resident of Pakistan. In 2010, Applicant stated this brother works as an electrician, and he speaks to him six times per year. In 2012, he listed this brother as a farmer, and stated he speaks to him three times per year. (Items 7, 8)

Pakistani army in April 2010. He holds the rank of lieutenant and is currently a liaison officer.⁵ (Items 7, 8)

Applicant has a friend who is a citizen of Pakistan and a resident of Saudi Arabia. He is an electrical engineer and has been the assistant project manager in the power department of the Kingdom of Saudi Arabia since 2007 or 2008. In 2010, Applicant said he spoke to his friend about once per month. In 2012, Applicant stated he speaks to him about twice per year. (Item 7)

Applicant co-owns a lot outside the city where his family lives in Pakistan. He is a joint owner with his five siblings and two cousins. His two cousins' interest is 50 percent, and the remaining 50 percent is equally held by Applicant and his four remaining siblings. It is approximately 18 to 20 acres, with an estimated value of \$2,500. Applicant's wife owns a plot of land in the same area. Applicant received the land from his father, who is deceased, and gave it to his wife as a wedding gift. As of November 2010, Applicant and his wife had a joint checking account in a Pakistani bank. It had a balance of approximately \$18,000. However, in his response to interrogatories in May 2012, Applicant stated that he closed the joint checking account in Pakistan in 2012. He submitted an incomplete personal financial statement, which does not provide an accurate picture of his current financial status. Although he listed net monthly income of \$7,990, and estimated his expenses to be \$1,716, he listed no payments on any debts, noting that he owes "0." He did not list a net monthly remainder. He listed the value of his U.S. assets as \$155,600. (Items 5, 7, 8)

The Islamist Republic of Pakistan (Pakistan)

Pakistan is a parliamentary federal republic in South Asia, with a population of more than 170 million. It held successful elections in February 2008 and has a coalition government. However, many parts of the country are affected by militancy and violent extremism.

Terrorist networks operate within Pakistan. Members of the Taliban are known to be in the FATA region, in Balochistan Province, which borders Iran and Afghanistan, and in the Khyber Pakhtunkhwa in the FATA region. The FATA region is a sanctuary to al-Qaida and other extremist groups. The Haqqani Network also operates with impunity in Pakistan. On September 7, 2012, the United States formally declared the Haqqani Network a foreign terrorist organization.

The U.S. Department of State (DOS) defines terrorist safe havens as "ungoverned, under-governed, or ill-governed physical areas where terrorists are able to organize, plan, raise funds, communicate, recruit, train, transit, and operate in relative

⁵ In his interrogatory response, Applicant answered "No" when asked if his nephew is still employed by the military. However, when asked the end date of his nephew's service, he answered, "Still work [sic] with army." (Item 7 at p. 7)

security because of inadequate governance capacity, political will, or both.”⁶ The DOS concludes that, despite efforts by Pakistani security forces, groups including Afghan and Pakistani militants, foreign insurgents, and al-Qaida terrorists have safe haven in Pakistan, and train and operate there to plan attacks against the United States and its allies in Afghanistan. Taliban senior leaders also enjoy safe haven in Pakistan.

The Pakistani government has a poor human rights record. Reported violations include extrajudicial killings, torture and disappearances by security forces, lack of judicial independence, arbitrary arrest, honor crimes, wide-spread corruption, disappearance and imprisonment of political opponents, and trafficking in persons. The *May 2012 Human Rights Report* by the U.S. DOS notes reports that Pakistani domestic intelligence services monitored political activists, politicians, suspected terrorists, and the media. The DOS warns U.S. citizens to defer non-essential travel to Pakistan in light of the presence of terrorists who have attacked civilian and foreign targets. Credible reports indicate that authorities routinely used wiretaps, and intercepted and opened mail without requisite court approval.

The Kingdom of Saudi Arabia (Saudi Arabia)

Saudi Arabia is a monarchy ruled by a king chosen from and by the members of the Al Saud family. The authority of the monarchy stems from Islamic law, which provides the foundation of the country’s conservative customs and social practices.

The United States and Saudi Arabia have good relations in general, although human rights issues remain a concern. These include severe restrictions on freedom of speech, press, peaceful assembly, and religion; abuse of prisoners; and systematic discrimination against women and minorities. The Commission for the Promotion of Virtue and Prevention of Vice is a religious police force that monitors social behavior to enforce morality. Although the law guarantees privacy of communications, officials routinely opened mail and shipments. Informants reported on “seditious ideas” and “behavior contrary to Islam” in their locales.

The Saudi government is building its capacity to counteract terrorism and extremists. However, terrorists operate in Saudi Arabia and continue to target establishments where westerners congregate. As of November 2012, a travel warning was in effect for Saudi Arabia because of concerns about possible terrorist activity against U.S. citizens and interests. Individuals and organizations based in Saudi Arabia have been designated by the U.S. Government as providers of financial and material support to al-Qaida and other terrorist groups.

Policies

Each security clearance decision must be a fair, impartial, and commonsense determination based on examination of all available relevant and material information,

⁶ U.S. Department of State, *Country Reports on Terrorism 2011*, Chapter 5, Terrorist Safe Havens. (HE I)

and consideration of the pertinent criteria and adjudication policy in the AG.⁷ Decisions must also reflect consideration of the factors listed in ¶ 2(a) of the guidelines, commonly referred to as the “whole-person” concept. The presence or absence of a disqualifying or mitigating condition is not determinative of a conclusion for or against an applicant. However, specific applicable guidelines are followed whenever a case can be measured against them as they represent policy guidance governing the grant or denial of access to classified information. In this case, the pleadings and the information presented by the parties require consideration of the security concerns and adjudicative factors addressed under Guidelines B (foreign influence) and C (foreign preference).

A security clearance decision is intended only to resolve whether it is clearly consistent with the national interest⁸ for an applicant to either receive or continue to have access to classified information. The Government bears the initial burden of producing admissible information on which it based the preliminary decision to deny or revoke a security clearance for an applicant. Additionally, the Government must be able to prove controverted facts alleged in the SOR. If the government meets its burden, it then falls to the applicant to refute, extenuate, or mitigate the Government’s case.

Because no one has a “right” to a security clearance, an applicant bears a heavy burden of persuasion.⁹ A person who has access to classified information enters into a fiduciary relationship with the Government based on trust and confidence. Therefore, the Government has a compelling interest in ensuring each applicant possesses the requisite judgment, reliability, and trustworthiness of one who will protect the national interests as his or her own. The “clearly consistent with the national interest” standard compels resolution of any reasonable doubt about an applicant’s suitability for access in favor of the Government.¹⁰

Analysis

Guideline B, Foreign Influence

AG ¶ 6 expresses the security concern 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 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

⁷ Directive ¶ 6.3.

⁸ See *Department of the Navy v. Egan*, 484 U.S. 518 (1988).

⁹ See *Egan*, 484 U.S. at 528, 531.

¹⁰ See *Egan*; Adjudicative Guidelines, ¶ 2(b).

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.

AG ¶ 7 describes conditions that could raise a security concern and may be disqualifying. I have considered all the disqualifying conditions, and find that the following are relevant to the case:

- (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;
- (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information;
- (d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and
- (e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation.

The mere possession of close family ties with a resident or citizen of a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if only one relative lives in a foreign country, and an applicant has frequent, non-casual contacts with that relative, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information.¹¹

Moreover, the country in question must be considered. In particular, the nature of its government, its relationship with the United States, and its human rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion.¹² Several terrorist networks operate within Pakistan, including the Taliban and al-Qaida. Terrorists have safe haven in Pakistan, where they train and plan attacks against the United States and its allies in Afghanistan. The threat of terrorism remains high. Further, Pakistan has a poor human rights record, including widespread corruption, torture by security forces, and disappearances and imprisonment of political opponents. The DOS notes credible reports that Pakistani authorities routinely used

¹¹ See ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).

¹² ISCR Case No. 07-02485 at 4 (App. Bd. May 9, 2008).

wiretaps, and intercepted and opened mail. American citizens with family members who are citizens or residents of Pakistan are at heightened risk of coercion, exploitation, or pressure.

Applicant has immediate family members who are citizens and residents of Pakistan, including his brother and sisters, his parents-in-law, sisters-in-law, and brothers-in-law. Several of Applicant's family members have contacts with the Pakistani government. His brother is a long-time employee of the Pakistani government. He works in a region of Pakistan where terrorist networks are known to operate. His brother-in-law is also a government employee, and his nephew is a Pakistani military officer. Applicant is in touch with his foreign family members about once each month to once every few months. Applicant also has a friend who is a Pakistani citizen, residing in Saudi Arabia. Their contact has decreased from once a month in 2010 to twice per year in 2012. However, Applicant's friend has contact with the Saudi government through his employment as an engineer. Terrorists operate in Saudi Arabia. As recently as November 2012, U.S. citizens were warned against travel to Saudi Arabia because of possible terrorist activity against U.S. citizens and interests. Applicant's close relationship with his immediate family members in Pakistan creates a heightened risk of exploitation or coercion. Moreover, Applicant's ties of affection to his foreign family create a potential conflict of interest between his desire to protect them, if they were threatened or coerced by terrorists or extremists, and the obligation he would have to protect classified information, were he to hold a security clearance. AG ¶ 7(a) and (b) apply.

Applicant lives with his wife, who is a citizen of Pakistan. She has family who are citizen-residents of Pakistan, and Applicant is in touch with them. In addition, at the time Applicant's investigation began, he had a Pakistani bank account with a balance of \$18,000. He closed the account in 2012, and it no longer represents a security issue. Applicant also has an ownership interest in a plot of land in Pakistan worth about \$2,500. His wife owns another parcel of land in Pakistan, with an unknown value. AG ¶ 7(d) and (e) apply.

I have considered the mitigating conditions under Guideline B (AG ¶ 8), especially the following:

(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 interests of a foreign individual, group, organization, or government and the interests of the U.S.;

(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;

(c) contact or 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; and

(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

Given Applicant's ties to immediate family in Pakistan, he could be placed in a position that could force him to choose between U.S. and foreign interests. He is bound by ties of affection to his foreign family, who live in a country where terrorists and extremists operate and target U.S. interests. Applicant's foreign relatives could be subject to coercion that could force him to choose between their interests and those of the United States. AG ¶ 8 (a) cannot be applied.

In evaluating mitigation under AG ¶ 8(b), I considered Applicant's frequent contact with his extensive family in Pakistan, some of whom have ties to the Pakistani government and military. His wife is a Pakistani citizen, and Applicant is also in touch with her family in Pakistan. I also considered Applicant's ties to the United States, which include his child and his employment. However, the file contains little information that would support a conclusion that he has deep and long-standing ties in the United States. I cannot confidently conclude, based on these facts, that Applicant would resolve any potential conflict of interest in favor of the United States. AG ¶ 8(b) does not apply.

Mitigation under AG ¶ 8(c) is also unavailable. Applicant's contacts with his foreign family are frequent and ongoing. There is a rebuttable presumption that relationships with immediate family members, and with relatives of a spouse, are close.¹³ Applicant has not rebutted that presumption about his relationships with his foreign family.

Applicant's assets in the United States total approximately \$155,000 and outweigh his small share of real estate in Pakistan. AG ¶ 8(f) applies to his partial interest in the plot he co-owns with other family members. However, Applicant's wife's ownership of land in Pakistan cannot be evaluated because the record evidence does not indicate its value. AG ¶ 8(f) cannot be applied to her parcel of land.

Guideline C, Foreign Preference

AG ¶ 9 expresses the security concern under Guideline C:

¹³ ISCR Case No. 01-03120 at 3 (App. Bd. Feb. 20, 2002).

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.

Under AG ¶ 10, the following disqualifying condition is relevant:

(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. . . .

Applicant is a dual citizen of Pakistan and the United States. Dual citizenship, in and of itself, is not disqualifying; nor is Applicant's use of a Pakistani passport before he became a U.S. citizen. However, conduct that constitutes an exercise of foreign citizenship, after becoming a U.S. citizen, is disqualifying.

Applicant exercised the rights of a Pakistani citizen by possessing a Pakistani passport that he could have used for international travel at any time, after becoming a U.S. citizen in 2007. However, his passport expired in May 2009, and he no longer possesses a valid foreign passport. The concern is that he may have traveled using his foreign passport after becoming a U.S. citizen in 2007. It is unclear from the evidence if Applicant used his foreign passport between 2007. Although his foreign passport does not indicate such travel, it is missing eight pages, which may contain evidence of foreign travel. The evidence shows he did not travel to Pakistan on his foreign passport in 2009; however, he may have used it to travel there on other date(s). Because Applicant admitted in both his Answer to the SOR, and in his interrogatory response, that he used his Pakistani passport to travel to Pakistan after becoming a U.S. citizen, I find allegation 2.b against Applicant. Applicant also exercises his rights as a Pakistani citizen by possessing a Pakistani identity card, which is valid until 2016. AG ¶ 10(a)(1) applies.

I have considered the mitigating conditions under Guideline C, AG ¶ 11, especially the following:

(b) the individual has expressed a willingness to renounce dual citizenship;

(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; and

(e) the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.

The record contains no evidence that Applicant is willing to renounce his Pakistani citizenship. As to his foreign travel on his Pakistani passport, Applicant

explained that he used it to save money. Personal convenience does not mitigate use of a foreign passport after becoming a U.S. citizen. AG ¶ 11(b) and 11(c) do not apply. AG ¶ 11(e) is not relevant to Applicant's expired foreign passport.

Whole-Person Concept

Under the whole-person concept, an administrative judge must evaluate the applicant's security eligibility by considering the totality of the applicant's conduct and all the circumstances. I have evaluated the facts presented and have applied the appropriate adjudicative factors under the cited guideline. I have also reviewed the record before me in the context of the whole-person factors listed in AG ¶ 2(a):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

In evaluating the whole-person factors, I considered several factors in Applicant's favor: He has been a U.S. citizen for five years; his child is a U.S. citizen; and he has been working for the U.S. government since 2010. However, Applicant has strong foreign family ties. He has numerous immediate family members who are citizens and residents of Pakistan, several of whom have government ties. He keeps in touch with his foreign family, and there is no evidence indicating that this situation will change. These facts, along with the dangerous conditions in Pakistan, and the prevalence of terrorists and extremists who target U.S. interests, represent a heightened risk that has not been mitigated.

A fair and commonsense assessment of the available information bearing on Applicant's suitability for a security clearance shows he has not satisfied the doubts about his ability and willingness to protect the Government's interests.

Formal Findings

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

Paragraph 1, Guideline B:	AGAINST Applicant
Subparagraphs 1.a – 1.g	Against Applicant
Subparagraph 1.h	For Applicant
Subparagraphs 1.i – 1.l	Against Applicant

Paragraph 2, Guideline C: AGAINST Applicant

Subparagraphs 2.a – 2.b Against Applicant

Conclusion

In light of the foregoing, it is not clearly consistent with the national interest to allow Applicant access to classified information. Applicant's request for a security clearance is denied.

RITA C. O'BRIEN
Administrative Judge