



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



In the matter of: )  
 )  
XXXXXXXXXX, XXXXX ) ISCR Case No. 11-06925  
 )  
Applicant for Security Clearance )

**Appearances**

For Government: Fahryn E. Hoffman, Esq., Department Counsel  
For Applicant: *Pro se*

10/01/2013  
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**Decision**  
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TUIDER, Robert J., Administrative Judge:

Applicant is close to his father, several siblings, and a friend who are citizens and residents of Pakistan. He provides financial support to his family living in Pakistan. He owns valuable property in Pakistan. Over the last 11 years, he has visited Pakistan seven times for 15-20 days on each visit. His most recent visit was in December 2012. Foreign influence security concerns are not mitigated, and eligibility for access to classified information is denied.

**Statement of the Case**

On May 10, 2010, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) (SF 86) (Government Exhibit (GE) 1). On December 13, 2012, the Department of Defense (DOD) issued a statement of reasons (SOR) to him, alleging security concerns under Guideline B (foreign influence) (Hearing Exhibit (HE) 2). The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1990), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the revised adjudicative guidelines (AG) promulgated by the President on December 29, 2005.

The SOR alleged security concerns under Guideline B (foreign influence). The SOR further informed Applicant that, based on information available to the Government,

DOD adjudicators could not make the preliminary affirmative finding that it is clearly consistent with the national interest to grant or continue Applicant's security clearance, and it recommended that his case be submitted to an administrative judge for a determination whether his clearance should be granted, continued, denied, or revoked.

On January 31, 2013, Applicant responded to the SOR. On May 15, 2013, Department Counsel was prepared to proceed. On June 11, 2013, DOHA assigned the case to me. On July 11, 2013, DOHA sent notice of the hearing, setting the hearing on July 31, 2013. However, the hearing was held on August 1, 2013. At the hearing, the Government offered Government Exhibits (GE) 1 and 2, which were received without objection. Applicant did not offer any exhibits at the hearing. I held the record open until August 16, 2013, to permit Applicant to submit additional evidence. (Tr. 65-66, 70) Applicant timely submitted Applicant Exhibits (AE) A through G, which were received without objection. I received the transcript of the hearing on August 9, 2013.

### **Procedural Rulings**

Department Counsel requested administrative notice (AN) of facts concerning Pakistan. (Tr. 18; GE 3, AN Request) Department Counsel provided supporting documents to show detail and context for those facts. Applicant did not object, and I granted Department Counsel's request.

Administrative or official notice is the appropriate type of notice used for administrative proceedings. 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) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986)). Usually administrative notice at ISCR proceedings is accorded to facts that are either well known or from Government reports. See Stein, *ADMINISTRATIVE LAW*, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice).

### **Findings of Fact<sup>1</sup>**

Applicant's SOR response admitted the allegations in SOR ¶¶ 1.a to 1.g, and he provided mitigating information. His admissions are incorporated herein as findings of fact. After a complete and thorough review of the evidence of record, I make the following findings of fact.

Applicant is a 50-year-old performance engineer, who seeks employment requiring a security clearance. (Tr. 20-24) From June 2010 to his hearing date, he was a self-employed engineer working on various Government contracts. (Tr. 25) In 1989, he received a bachelor's degree in mechanical engineering in Pakistan. (Tr. 22) In 1997, he earned a master's degree in computer science in the United States. (Tr. 21-22)

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<sup>1</sup>To protect Applicant and his family's privacy, the facts in this decision do not specifically describe employment, names of witnesses, names of other groups or locations. The cited sources contain more specific information.

Applicant did not serve in the U.S. or Pakistan militaries. (Tr. 26) Applicant married a U.S. born citizen in 1994, and he was divorced in 2011. (Tr. 27, 29, 33) He has three children, who are 7, 11, and 17 years old. (Tr. 27-28) His three children were born in the United States and live in the United States. (Tr. 28) Applicant's former spouse's parents and siblings live in the United States. (Tr. 30) Applicant's only relatives in the United States are his three children. (Tr. 30) His former spouse has custody of their children. (Tr. 29) His monthly child support is \$1,162. (Tr. 35) His former spouse lives in a different state from Applicant, and he is able to visit his children every month or so usually for four days at a time. (Tr. 31, AE G) He does not own any property in the United States. (Tr. 34) He has \$7,000 to \$10,000 in a 401K account and about \$4,000 in his U.S. bank account. (Tr. 36-37)

Applicant came to the United States in 1994 on a fiancé visa. (Tr. 60) He became a U.S. citizen in 1999. (Tr. 28) He has voted in all U.S. elections whenever eligible. (Tr. 61) He does not participate in any U.S. social organizations. (Tr. 61)

Applicant's father, sister, and three brothers are citizens and residents of Pakistan. (Tr. 48; GE 2 at 241-243; SOR ¶¶ 1.a and 1.b) He communicates with his father and two brothers on a weekly or bi-weekly basis. (Tr. 51-54) He has numerous nieces and nephews living in Pakistan. (Tr. 50-54) None of his relatives are Pakistan government employees or closely associated with the Pakistan Government. (Tr. 48-52) Applicant has a brother, who is a citizen and resident of the United Kingdom, and another brother, who is a citizen and resident of Canada. (Tr. 58; GE 2 at 243-244)

Applicant has a friend that works for the Pakistan Government that he has known for more than 30 years. (Tr. 54-55; SOR ¶ 1.g) They were friends in high school. (Tr. 54) He told his friend about applying for a U.S. security clearance. (Tr. 55-56) They have contact on a bi-monthly basis. (GE 2 at 247)

Applicant traveled to Pakistan in 2002, 2003, 2004, 2005, 2008, 2009, and December 2012. (GE 3 at 241, 253) Most of his trips to Pakistan were 15-20 days in duration. (Tr. 46-47; GE 3 at 241) Applicant has a Pakistan identification card; however, he does not have a Pakistan passport. (Tr. 44-46)

In 2007, Applicant purchased land in Pakistan as an investment for \$12,000. Post-hearing, Applicant submitted documentation that as of August 5, 2013, the estimated value of this land was worth \$15,500. (Tr. 37-38, AE D; SOR ¶ 1.d) Applicant had a Pakistan bank account with about \$100 in his account, and post-hearing closed it on August 12, 2013. (Tr. 38-39, AE D) He most recently used his Pakistan bank account in December 2012 when he visited Pakistan. (Tr. 39)

Applicant sends his family in Pakistan about \$400 monthly. (Tr. 41; SOR ¶ 1.c) About three years ago, he had an account in Pakistan with about \$3,000 in it. (Tr. 42; SOR ¶ 1.f) He closed the account in SOR ¶ 1.f, and he transferred whatever funds were remaining in that account (about \$2,000) to the account in SOR ¶ 1.e. (Tr. 42-43, AE D) He spent the money from his account in SOR ¶ 1.f during his most recent visit to Pakistan in December 2012. (Tr. 43)

Applicant submitted ten reference letters that all attest to his good character. (AE B, AE F)

## **Pakistan**

Pakistan is a parliamentary federal republic with a population of more than 167 million people. After September 11, 2001, Pakistan supported the United States and an international coalition in Operation Enduring Freedom to remove the Taliban from power in Pakistan. Despite this support, members of the Taliban are known to be in the Federally Administered Tribal Areas (FATA) of Pakistan, the Khyber Pakhtunkhwa (Kpk), and in the Balochistan Province, which borders Iran and Pakistan.

The Taliban, Lashkar e-Tayyiba (LT), the Haqqani Network, and al Qaida operate in Pakistan, and in some instances elements of the Pakistan Government may be covertly aiding these terrorist or anti-U.S. entities. It is likely that in November 2008 LT was responsible for the attack in Mumbai, which caused numerous casualties. The Haqqani Network attacked the U.S. Embassy in Kabul in September 2011. Pakistan has intensified its counterinsurgency efforts, but its record for dealing with militants has been mixed.

The U.S. Department of State has defined several areas of Pakistan to be terrorist safe havens. The security situation in Pakistan worsened in 2008, driven in part by insurgent access to safe havens in western Pakistan through the porous Afghanistan-Pakistan border. In early 2009, the FATA in Pakistan continued to provide vital sanctuary to al Qaida and a number of foreign and Pakistan-based extremist groups. Al Qaida exploits the permissive operating environment to support the Pakistan insurgency, while also planning attacks against the United States and Western interests in Pakistan and worldwide. Together with the Pakistan Taliban and other extremists groups, Al Qaida uses this sanctuary to train and recruit operatives, plan and prepare regional and transnational attacks, disseminate propaganda, and obtain equipment and supplies. Al Qaida and its extremists have waged a campaign of destabilizing suicide attacks throughout Pakistan. The attacks targeted high-profile government, military, and western-related sites. Nearly 1,000 individuals were killed in 2008 due to such attacks. In the last three months of 2009, terrorists based in Pakistan conducted at least 40 suicide terrorist attacks in major cities of Pakistan and killed about 600 Pakistan civilians and security force personnel.

The U.S. State Department warns U.S. citizens of the risks of traveling to Pakistan in light of terrorist activity. Since 2007, several American citizens present in Pakistan have been kidnapped for ransom or other personal reasons. The human rights situation in Pakistan remains poor. Extrajudicial killings, torture, and disappearances occur. Arbitrary arrests, governmental and police corruption is widespread, and the Pakistan Government maintains several domestic intelligence agencies to monitor politicians, political activists, suspected terrorists, the media, and suspected foreign intelligence agents. Credible reports indicate that authorities use wiretaps and monitor mail without the requisite court approval, and also monitor phones and electronic messages. In addition, Pakistan continues to develop its own nuclear infrastructure,

expand nuclear weapon stockpiles, and seek more advanced warhead and delivery systems. In the aftermath of Pakistan's development of nuclear weapons, the United States cut-off military aid to Pakistan for several years.

After September 11, 2001, Pakistan pledged its alliance with the United States in counterterrorism methods. Pakistan committed to elimination of terrorist camps on the Afghanistan-Pakistan border and subsequently sent thousands of troops and sustained hundreds of casualties in this effort. Overall, Pakistan has intensified counterinsurgency efforts, and demonstrated determination and persistence in combating militants. The United States is engaging in a substantial effort to bolster Pakistan's military forces and security. In 2003, President Bush announced that the United States would provide Pakistan with \$3 billion in economic and military aid over the next five years beginning in 2005.

On May 1, 2011, U.S. special operation personnel raided a large compound in Pakistan and killed Osama bin Laden, the leader of al Qaida. The raid raised concerns that the Pakistan Government had knowingly permitted terrorists, militants, and insurgents to find safe havens in Pakistan.

### **Policies**

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no 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 have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant's 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), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be "in terms of the national interest and shall in no sense be

a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. See also Executive Order 12968 (Aug. 2, 1995), § 3.1. Thus, nothing in this Decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. 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.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4<sup>th</sup> Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

## **Analysis**

### **Foreign Influence**

AG ¶ 6 explains the security concern about “foreign contacts and interests” stating:

[I]f the individual has divided loyalties or foreign financial interests, [he or she] 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 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 indicates three conditions that could raise a security concern and may be disqualifying in this 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; 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.

AG ¶¶ 7(a), 7(b), and 7(e) apply. Applicant was born in Pakistan. His father, four siblings, and a friend from high school are citizens and residents of Pakistan. He has frequent contact with his father, two brothers, and his friend. He provides his family in Pakistan \$400 monthly for support. He cares about the welfare of his family living in Pakistan. Applicant went to Pakistan in 2002, 2003, 2004, 2005, 2008, 2009, and December 2012. There are safety issues for people living in Pakistan because of the prevalence of terrorists and other lawless elements. Applicant's family in Pakistan is not receiving any special protection from the Pakistan Government.

The mere possession of close family ties with a family member living in a dangerous country, such as Pakistan, is not, as a matter of law, disqualifying under Guideline B. However, if an applicant has a close relationship with even one relative, living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See *Generally* ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).

The nature of a nation's 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 or inducement. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government or the country is known to conduct intelligence collection operations against the United States. The relationship of Pakistan with the United States, places a significant, but not insurmountable burden of persuasion on Applicant to demonstrate that his relationships with his family members living in Pakistan do not pose a security risk. Applicant should not be placed into a position where he might be forced to choose between loyalty to the United States and a desire to assist family members living in a dangerous country.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it,

regardless of whether that person, organization, or country has interests inimical to those of the United States.” ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004). Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. See ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at \*\*15-16 (App. Bd. Mar. 29, 2002).

The SOR alleges three financial connections to Pakistan: (1) land valued at least \$12,000 (SOR ¶ 1.d); (2) a Pakistan bank account with a balance of about \$100 (SOR ¶ 1.e); and (3) an account with about a \$3,000 balance (SOR ¶ 1.f). The latter two concerns are mitigated because the account with \$100 is too insubstantial to raise a security concern and was recently closed, and the account with \$3,000 is closed.

While there is no evidence that intelligence operatives or terrorists from Pakistan seek or have sought classified or economic information from or through Applicant or his family, nevertheless, it is not possible to rule out such a possibility in the future. International terrorist groups are known to conduct intelligence activities as effectively as capable state intelligence services, and Pakistan has a significant problem with terrorism. Applicant’s relationship with family members living in Pakistan creates a potential conflict of interest because these relationships are sufficiently close to raise a security concern about his desire to assist family members in Pakistan by providing sensitive or classified information. Department Counsel produced substantial evidence of Applicant’s contacts with his family living in Pakistan. She has raised the issue of potential foreign pressure or attempted exploitation. AG ¶¶ 7(a), 7(b), and 7(e) apply, and further inquiry is necessary about potential application of any mitigating conditions.

AG ¶ 8 lists six conditions that could mitigate foreign influence security concerns including:

(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;



(d) the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;

(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; 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.

AG ¶¶ 8(a) and 8(c) have limited applicability. Applicant has frequent contact with his father, two brothers, and a friend, who are living in Pakistan. Applicant provides \$400 monthly to support his family living in Pakistan. His loyalty and connections to his family living in Pakistan is a positive character trait. However, for security clearance purposes, those same connections negate the possibility of mitigation under AG ¶ 8(a), and Applicant failed to fully meet his burden of showing there is “little likelihood that [his relationships with his relatives who are Pakistan citizens] could create a risk for foreign influence or exploitation.”

AG ¶ 8(b) partially applies. A key factor in the AG ¶ 8(b) analysis is Applicant’s “deep and longstanding relationships and loyalties in the U.S.” Applicant has significant connections to the United States. Applicant moved to the United States in 1994, 19 years ago, when he was 30 years old, and he is now 50 years old. He has three children, who are U.S. citizens, residing in the United States. He has affection for his children, pays a substantial amount for their support, and visits them frequently, even though they live in a different state. He earned a master’s degree in the United States. When he took an oath and swore allegiance to the United States in 1999, as part of his naturalization as a U.S. citizen, he manifested his patriotism, loyalty, and fidelity to the United States over all other countries.

Applicant’s relationship with the United States must be weighed against the potential conflict of interest created by his relationships with his family living in Pakistan. He frequently communicates with his family living in Pakistan. There is no evidence, however, that terrorists, criminals, the Pakistan Government, or those conducting espionage have approached or threatened Applicant or his family to coerce Applicant for classified or sensitive information.<sup>2</sup> As such, there is a reduced possibility that Applicant or his family living in Pakistan would be specifically selected as targets for improper coercion or exploitation. Of course, the primary risk to his family living in Pakistan is from terrorists and other lawless elements and not the Pakistan Government.

While the U.S. Government does not have any burden to prove the presence of such evidence, if such record evidence were present, Applicant would have a heavier evidentiary burden to mitigate foreign influence security concerns. It is important to be

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<sup>2</sup>There would be little reason for U.S. enemies to seek classified information from an applicant before that applicant has access to such information or before they learn of such access.

mindful of the United States' sizable financial and diplomatic investment in Pakistan. Applicant and his family in Pakistan will become potential targets of terrorists because of Applicant's support for the United States, and Applicant's potential access to classified information could theoretically add some risk to Applicant and his family from lawless elements in Pakistan.

AG ¶¶ 8(d) and 8(e) do not apply. The U.S. Government has not encouraged Applicant's involvement with family members living in Pakistan. Applicant is not required to report his contacts with family members living in Pakistan.

AG ¶ 8(f) has limited application because Applicant has a substantial investment in Pakistan, and he sends \$400 monthly to his family living in Pakistan. He did not describe substantially greater assets in the United States, such as houses, bank accounts, 401(k) accounts, and his employment.

In sum, Applicant's connections to family living in Pakistan are significant. He is close to his father and four siblings. He has a substantial investment in Pakistan. He financially supports his family living in Pakistan. He has a friend who works for the Pakistan Government. Over the last 11 years, he has visited Pakistan seven times for durations of 15-20 days for each visit. His most recent visit was in December 2012. These connections raise an unmitigated foreign influence security concern under Guideline B.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at 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.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I have incorporated my comments under Guideline B in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under this guideline, but some warrant additional comment.

The factors weighing towards approval of Applicant's security clearance are less substantial than the factors weighing against its approval. There is no evidence that

Applicant has engaged in criminal activity, abused alcohol or illegal drugs, or committed any security violations. When he was naturalized as a U.S. citizen, he swore allegiance to the United States. His three children were born in the United States and reside in the United States. He pays considerable child support for his children and frequently visits his children. He was awarded a master's degree in the United States, and there is no evidence raising questions about his loyalty, trustworthiness, or reliability.

A Guideline B decision concerning Pakistan must take into consideration the geopolitical situation and dangers there.<sup>3</sup> Pakistan is a dangerous place because of violence from terrorists and other lawless elements. Terrorists continue to threaten the Pakistan Government, the interests of the United States, and those who cooperate and assist the United States. The Pakistan Government does not fully comply with the rule of law or protect civil liberties in many instances. The United States and Pakistan Governments are allies in the war on terrorism. Pakistan and the United States have close relationships in diplomacy and trade.

There are foreign influence security concerns arising from Applicant's family living in Pakistan that warrant greater weight than his connections to the United States. Applicant's father, four siblings, and a friend, who works for the Pakistan Government, are citizens and residents of Pakistan. He frequently communicates with his father, two siblings, and friend living in Pakistan. He provides financial support for his family living in Pakistan. Over the last 11 years, he has visited Pakistan seven times for 15-20 days for each visit. His most recent visit was in December 2012. He has a Pakistan identification card. He has a valuable investment property in Pakistan. His close connections to his family and friend in Pakistan make him more vulnerable as a target of coercion by lawless elements in Pakistan. His family and friend in Pakistan will be at a greater risk if his clearance is granted.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude Applicant has not carried his burden and foreign influence concerns are not mitigated. Eligibility for access to classified information is denied.

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<sup>3</sup> See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007) (remanding because of insufficient discussion of geopolitical situation and suggesting expansion of whole-person discussion).

## 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 B:	AGAINST APPLICANT
Subparagraphs 1.a through 1.d:	Against Applicant
Subparagraphs 1.e and 1.f:	For Applicant
Subparagraph 1.g:	Against Applicant

## Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

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Robert J. Tuidier  
Administrative Judge