



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



In the matter of:

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Applicant for Security Clearance

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ISCR Case No. 14-01920

**Appearances**

For Government: Eric Borgstrom, Esq., Department Counsel

For Applicant: *Pro se*

04/16/2015

**Decision**

WESLEY, Roger C., Administrative Judge:

Based upon a review of the pleadings and exhibits, I conclude that Applicant mitigated security concerns regarding foreign influence. Eligibility for access to classified information is granted.

**History of the Case**

On July 24, 2014, the Department of Defense (DOD) Consolidated Adjudicative facility (CAF) issued a Statement of Reasons (SOR) detailing reasons why DOD adjudicators could not make the preliminary affirmative determination of eligibility for granting a security clearance, and recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines (AGs) implemented by the DOD on September 1, 2006.

Applicant responded to the SOR in August 2014 and requested a hearing. The case was assigned to me on October 31, 2014 and scheduled for hearing on November

12, 2014. A hearing was heard on the scheduled date for the purpose of considering whether it would be clearly consistent with the national interest to grant, continue, deny, or revoke Applicant's security clearance. At the hearing, the Government's case consisted of two exhibits (GEs 1-2). Applicant relied on one exhibit and one witness (himself). The transcript (Tr.) was received on November 24, 2014.

Besides its identified exhibits, the Government requested administrative notice of facts covered by five source documents. Included are the following documents: *Country Reports on Terrorism 2013, Chapter 5-Safe Terrorist Safe Havens (Update to 7120 Report)*, U.S. Department of State (April 2014); *Country Reports on Terrorism 2013, Chapter 2 - Country Reports: South and Central Asia Overview*, U.S. Department of State (April 2014); *Press Briefing by Senior Administration Officials on the Killing of Osama bin Laden*, the White House Office of the Press Secretary (May 2011); *Travel Warning, Pakistan*, U.S. Department of State (August 2014); *Country Reports on Human Rights Practices for 2013*, U.S. Department of State (undated).

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). Administrative notice is appropriate for noticing facts or government reports that are well known. See *Stein*, Administrative Law, Sec. 25.01 (Bender & Co. 2006).

For good cause shown, administrative notice was granted with respect to the above-identified background reports containing facts pertaining to the geopolitical situation in Pakistan. Administrative notice was extended to the documents themselves, consistent with the provisions of Rule 201 of Fed. R. Evid. This notice did not foreclose Applicant from challenging the accuracy and reliability of the information contained in the reports addressing Pakistan and the UAE. Without objection from either of the parties, I also took official notice of a Background Note on Pakistan, U.S. Department of State (October 2010) on April 14, 2015.

### **Procedural Issues**

Before the close of the hearing, the Government requested the record be kept open to afford it the opportunity to supplement the record with background records covering the United Arab Emirates. (UAE) For good cause shown, the Government was granted five days to supplement the record. Applicant was afforded three days to respond. Within the time permitted, the Government supplemented the record with a document entitled *Quick Facts: United Arab Emirates* (October 2014). The Government's submission was admitted as GE 3.

Prior to the close of the hearing, Applicant requested the record be kept open to permit him the opportunity to supplement the record with endorsements and background records covering Pakistan and the UAE. For good cause shown, Applicant was granted five days to supplement the record. The Government was afforded 12 days to respond.

Within the time permitted, Applicant furnished documentation of U.S. Relations with Pakistan, a U.S. State Department press release covering Secretary of State John Kerry's

Remarks at the U.S.-Pakistan Strategic Dialogue, and an undated background report covering the UAE. Applicant's submissions were admitted as AE's C-E.

### **Summary of Pleadings**

Under Guideline B, Applicant allegedly has a father and mother-in-law who are citizens and residents of Pakistan. Allegedly, he has a half-brother who is a citizen of Pakistan and resident of the UAE. In his response to the SOR, Applicant admitted all of the allegations of the SOR. He added no explanations.

### **Findings of Fact**

Applicant is a 53-year-old technical lead for a defense contractor who seeks a security clearance. The allegations covered in the SOR and admitted by Applicant are adopted as relevant and material findings. Additional findings follow.

#### **Background**

Applicant was born and raised in Pakistan. (GE 1) He attended high school and college in the country and immigrated to the United States in 1979. (GE 1; Tr. 43-44) He earned a bachelor's of science degree in engineering in May 1983, a master's of science degree in electrical engineering in December 1986, and a Ph.D in electrical engineering in 1995. (GE 1; Tr. 45). Each of these degrees was received from recognized universities. (GE 1; Tr. 45) Applicant became a naturalized U.S. citizen in June 2003. (GE 1)

Applicant met his wife while attending a U.S. university and married in 1986 in Pakistan. (GE 1; Tr. 47-48) His wife was born and raised in Pakistan but became a naturalized U.S. citizen. (Tr. 48) He has no children from this marriage. (GEs 1 and 2; Tr. 48)

Applicant's mother passed away in 1963 (GEs 1 and 2; Tr. 44) His father and stepmother are citizens and residents of Pakistan. (GE 1) His father is retired and previously worked in communications and natural gas. (GE 1; Tr. 53) His stepmother holds a master's degree in psychology and taught school before marrying his father. (Tr. 54) She has since been a homemaker. (Tr. 54) Neither his father nor his stepmother residing in Pakistan have any known affiliations with Pakistan's government or military. (GE 2; Tr. 69)

Applicant maintains contact with his father and stepmother once or twice a month. (Tr. 58-59) He last traveled to Pakistan in the summer of 2014 to see his family members. (Tr. 51-52) His father and stepmother, in turn, visited Applicant and his wife in the United States in October 2014. (Tr. 49)

Applicant has a half-brother who is a citizen of Pakistan and resident of the UAE. (GEs 1 and 2; Tr. 54-55) His half-brother is married and has a daughter who also resides in the UAE. This half-brother works as a director of investments for a British firm and makes frequent trips to Pakistan. (Tr. 58) Applicant last saw his half-brother in summer 2014, and maintains contact with him every four months. (Tr. 58) His half-brother has no

known affiliations with either the Pakistani government or the UAE government and no prior military service with the Pakistan government. (Tr. 69)

Besides his half-brother, Applicant has two sisters. One passed away and the other resides in Canada. (GEs 1 and 2: Tr. 50, 59, 62)

Applicant's wife's parents are both deceased. (GE 1; Tr. 53) She has a sister who is a citizen and resident of Pakistan. This sister has two daughters who reside with her and have Pakistani citizenship. Applicant's wife traveled to Pakistan in 2012 and has property in Pakistan that she inherited from her deceased parents. Applicant's wife maintains daily contact with her sister in Pakistan. (Tr. 61)

Applicant currently grosses approximately \$144,000 a year from his employer. (Tr. 72) He provides no financial support to his parents or his half-brother. (GE 2) None of his family members have ever received any financial aid from Applicant. Applicant owns property in Pakistan that is recorded in his name, his father, and his half-brother. (Tr. 65-66) He received income from the property of approximately \$2,000 a month from the rents generated by the property. (Tr. 66-67) Applicant, his father, and half-brother have no long-term plans to develop or dispose of the property. (Tr. 67-68) Applicant has no bank accounts or other assets in Pakistan and has no plans to retire in any country but the United States. (Tr. 72)

### **Political and economic background of Pakistan**

Pakistan is a parliamentary federal republic located in Southeast Asia, with a population of nearly 170 million. See *Background Note on Pakistan, supra*, at 1. Pakistan's government consists of an executive (the president), a prime minister (the functioning head of government), a bicameral parliament, and a judiciary. (*id.*) The judiciary includes a supreme court, provincial high courts, and a federal Islamic (or Sharia) court.

### **Background**

Geographically, Pakistan's government is comprised of West Pakistan and its provinces of Punjab, Sindh, Balochistan, and the Northwest Frontier province and East Pakistan with its Bengal province. Pakistan became independent on August 14, 1947. See *Background Note on Pakistan, supra*. The United States and Pakistan established diplomatic relations in 1947, following Great Britain's declaration in June 1947 that it would bestow full dominion status of two successor states: India and Pakistan.

Pakistan's independence proved fragile and rife with political and economic instability following the death of the country's first head of state (Muhammad Ali Jinnah) in 1948 and the ensuing assassination of its first prime minister (Liaquat Ali Khan) in 1951. See *Background Note on Pakistan, supra*, at 2. In October 1958, President Iskander Mirza (with military support) suspended his country's constitution (adopted just two years before), imposed martial law, and canceled the scheduled elections. President Mirza's action resulted in a military coup, his arrest, and the establishment of a military dictatorship under the rule of General Mohammad Ayub Khan.

Political and economic turmoil followed and new governments were installed over the next 20 years: some as the result of general elections (such as the Pakistan People's Party or PPP which swept Zulfikar Ali Bhutto into power). It was under Ali Bhutto's civilian leadership that Pakistan emerged as a nuclear power in the 1970s. India's nuclear test in 1974 injected further uncertainty and concern into Pakistan's relationship with India, and is generally credited as the principal impetus behind President Ali Bhutto's decision to make Pakistan a nuclear state. *See Background Note on Pakistan, supra.*

Political tensions and economic unrest in Pakistan also produced military interventions before the close of the 20<sup>th</sup> century. *See Background Note on Pakistan, supra*, at 2-3. Disputed national elections that marred Bhutto's declared victory in 1977 spurred anti-government unrest and ultimately prompted a military takeover of the Bhutto government in July 1977 and installation of Army chief of staff, Muhammad Zia ul-Haq) as the chief martial law administrator. When Zia assumed power, his military government arrested Bhutto, tried him on conspiracy charges and hanged him in April 1979. (*Id.*)

Between 1977 and 1999, Pakistan has experienced a succession of new governments, some the result of military intervention and some due to the formation of coalition parties. *See Background Note on Pakistan, supra*, at 2-3. Following President Zia's untimely death in August 1988, the political parties of Benazir Bhutto and Muhammad Mawaz Sharif competed for the formation of coalition governments to lead Pakistan. Each party's efforts were marked with ethnic conflict, fragmentation within their coalitions, corruption and nepotism, which stoked political tensions, created gridlock, and contributed to the deterioration of law and order. (*Id.*, at 3)

Following the ouster of Prime Minister Sharif in October 1999, Pakistan's military, led by President Pervez Musharraf, declared a state of emergency and issued the provisional constitutional order that suspended the federal and provincial parliaments, placed the constitution in abeyance, and designated Musharraf as chief executive. *See Background Note on Pakistan, supra*, at 3-4. Musharraf's presidency was extended for five years by referendum in 2004. After the terrorist attacks on U.S. soil in September 11, 2001, Pakistan pledged and provided its support to the United States in its coalition efforts to confront Al Qaida terrorists and Taliban fugitives. However, since the successful raid on the Pakistan compound of Osama bin Laden in May 2011, U.S. relations with Pakistan have deteriorated and become more difficult to manage.

### **Political unrest, human rights, and travel warnings**

Today, anti-American sentiment is widespread among a coalition of Islamic parties in Pakistan's parliament. *See Country Reports on Terrorism 2013, Chapter 2 - Country Reports: South and Central Asia Overview, supra*, at 2-3 and Administrative Notice, *supra*, at 2. These groups have called for "jihad" against U.S. interests, which they view as a threat to Pakistan sovereignty.

Pakistan has extensive terrorist networks operating within its borders. Members of the Taliban are known to be in the Federally Administered Tribal Areas (FATA) of Pakistan, the Khyber Pakhtunkhwa, and in the Balochistan Province, which borders Iran and

Afghanistan. Taliban senior leaders continue to enjoy safe haven in Pakistan. See *Country Reports on Terrorism 2013, Chapter 5-Safe Terrorist Safe Havens (Update to 7120 Report)*, *supra*, at 2-3 and Administrative Notice, *supra*, at 2-3. The leader of the Taliban, Mullah Omar, has operated openly in Pakistan.

Besides the Taliban presence, the FATA region in Pakistan continues to be a vital sanctuary to al-Qaida and a number of foreign and Pakistan-based extremist groups, including the Haqqani Network, the Quetta Sura, and Lashkar-e-Tayiba. See *Country Reports on Terrorism 2013, Chapter 5-Safe Terrorist Safe Havens (Update to 7120 Report)*, *supra*, and Administrative Notice, *supra*. Al-Qaida and other Afghan extremist groups exploit that operating environment to plan and direct operations. (*Id.*)

Extremist groups operating within Pakistan continue to target Americans and other western interests, as well as high level Pakistan government officials and members of minority, indigenous, and religious groups. See *Travel Warning, Pakistan*, *supra*, at 2 and Administrative Notice, *supra*, at 3. Despite increased efforts by Pakistani security forces, al-Qaida terrorists, Afghan militants, foreign insurgents, and Pakistani militants continue to find safe haven in portions of Pakistan's FATA, Khyber Paktunkwa, and Baluchistan, and have operated in those areas to organize, train, and plan attacks against the United States and its allies in Afghanistan. See *Country Reports on Terrorism 2013, Chapter 2 - Country Reports: South and Central Asia Overview*, *supra*, at 3 and Administrative Notice, *supra*.

The Haqqani Network, an extremist organization operating as a strategic arm of Pakistan's Inter-Services Intelligence Agency, is also operating from Pakistan with impunity. See *Country Reports on Terrorism 2013, Chapter 2 - Country Reports: South and Central Asia Overview* *Country Reports on Terrorism 2013*, *supra*, at 1-2, and Administrative Notice, *supra*, at 1-2. This group has staged attacks on Afghan and U.S. troops in Afghanistan (as well as civilians), including the September 13, 2011 attack on the U.S. embassy in Kabul, Afghanistan. (*id.*) On September 7, 2012, the United States formally declared the Haqqani Network a Foreign Terrorist Network. See *Id.*

On May 1, 2011, U.S. special forces personnel raided a large al-Qaida compound located in Pakistan and shot and killed al-Qaida leader Osama bin Laden. See *Press Briefing by Senior Administration Officials on the Killing of Osama bin Laden*, *supra*, at 1. In announcing bin Laden's death, senior administration officials characterized him as a "sworn enemy of the United States and a danger to all humanity; a man who called for the murder of any American anywhere on Earth," who designated the United States as al-Qaida's "primary target," and who was responsible for killing thousands of innocent men and women not only on 9/11, but in the 1998 East Africa embassy bombings, the attack of the U.S. Cole, and many other acts of brutality. " (*Id.*, at 1-2) That bin Laden was found in a residential neighborhood of Pakistan is illustrative of the heightened security concern over Pakistan's use as a safe haven for terrorists, militants, and insurgents. (*Id.*, at 3)

The U.S. Department of State continues to warn U.S. citizens against non-essential travel to Pakistan (especially in the border regions) out of concern for terrorist threats in the country. See *Travel Warning, Pakistan*, *supra*, at 1-2 and Administrative Notice, *supra*. In 2011, Pakistan experienced hundreds of bomb blasts, suicide attacks, and sectarian violence resulting in the deaths of more than 2,500 civilians and 670 law enforcement

personnel. See *Country Reports on Terrorism 2011, Chapter 2 - Country Reports South and Central Asia Overview, supra*, at 12. Attacks targeting civilians and security personnel occur almost daily across all provinces. (*Id.*) These included attacks against the U.S. Consulate in Peshawar, U.S. Government vehicle convoys, and U.S. personnel, and against Pakistani government authorities. (*Travel Warning, Pakistan, supra*). Terrorists have demonstrated their willingness and capability to attack targets where Americans are known to congregate or visit. (*id.*) Fatal bomb attacks have occurred in Islamabad, Peshawar, Quetta, Lahore, and other Pakistan cities on a regular basis. (*id.*, at 3) Records document, too, that several American citizens in Pakistan have been kidnaped. (*Id.*)

Country reports on Pakistan reveal a poor Pakistani human rights record. Reported human rights problems include extrajudicial killings, torture, rape by security forces, lack of judicial independence, arbitrary arrest and detention, wide-spread corruption, disappearance and imprisonment of political opponents, and trafficking in women and children. See *Country Reports on Human Rights Report for 2013: Pakistan, supra*, at 1-21. Additional problems include poor prison conditions, arbitrary arrest, widespread government corruption, rape, honor crimes, and widespread trafficking in persons. (*id.*, at 10-13) Military and terrorist operations in all four provinces and in FATA resulted in large numbers of deaths and injuries. (*Id.*, at 1-2) The Pakistani government also maintains several domestic intelligence services that monitored politicians, political activists, suspected terrorists, and the media. (*Id.*) Credible reports document that Pakistani authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval, as well as monitoring mobile phones and electronic correspondence. (*Id.*)

### **U.S.-Pakistan bilateral relations**

The United States has enjoyed diplomatic relations with Pakistan since the country's creation in 1947. See *U.S. Relations with Pakistan, supra*, at 1. The United States is Pakistan's largest trading partner. Bilateral trade between the United States and Pakistan exceeded \$5 billion in 2013, and the United States continues to be one of the principal sources of direct or direct foreign investment in Pakistan. (*Id.*) Governance and energy scarcities continue to limit foreign investment in Pakistan, however, despite the liberalizing steps Pakistan has taken in recent years to promote trade and investment. In his welcoming remarks at the U.S.-Pakistan Strategic Dialogue convened in Washington, D.C. in January 2014, Secretary Kerry stressed the increased cooperation and strengthening of ties between the United States and Pakistan across a broad spectrum of areas, stretching from energy, to security, and to education. See *Press Release of Secretary of State John Kerry's Remarks at the U.S.-Pakistan Strategic Dialogue, supra*.

United States bilateral assistance to Pakistan has increased in recent years following Congressional passage of the Enhanced Partnership with Pakistan Act in 2009. See *U.S. Relations with Pakistan, supra*, at 1. Between October 2009 and March 2014, the United States disbursed over \$4.38 billion in civilian assistance to Pakistan and shows no signs of reducing its assistance levels. See *Id.* Its assistance packages include counterintelligence, humanitarian, energy, and agriculture support. (*Id.*)

Pakistan and the United States belong to a number of common international organizations. See *U.S. Relations with Pakistan, supra*, at 2. Included organizations are

the United Nations, the World Trade Organization, the International Monetary Fund, and the World Bank. (*id.*)

### **UAE political and economic background**

The UAE is a federation of seven semiautonomous emirates with a resident population of approximately 9.2 million. (AE E) The rulers of the seven emirates make up the Federal Supreme Council, which is the country's highest legislative and executive body. (AE E) Significant human rights problems in the UAE included citizen inability to change their government, limitations of citizens' civil liberties, arbitrary arrests, incommunicado detentions, and lengthy pretrial detentions. Other reported human rights problems in the UAE included prison guard brutality, limited corruption, the lack of government transparency, and the absence of judicial independence. (*Id.*)

Dual citizenship can pose a problem for visitors in the UAE. (GE 3) The UAE's government does not recognize dual nationality. Children of UAE fathers automatically acquire UAE citizenship at birth and must enter the UAE on their UAE passports. (GE 3) In addition to being subject to all UAE laws, U.S. citizens who also hold UAE citizenship may also be subject to other laws that impose special obligations on citizens of the UAE.

Despite cited human rights problems and the travel restrictions that impact U.S. citizens who are dual nationals of the UAE, bilateral relations between the United States and the UAE remain strong and promise to remain that way for the foreseeable future. Trade and investment between the two countries have progressed and show considerable promise for expansion.

### **Endorsements**

Applicant provided two endorsements on his behalf. Both his engineering manager and program manager credited him with an excellent work ethic. They lauded his help in mentoring less experienced engineers. (AEs A and B)

### **Policies**

The AGs list guidelines to be used by administrative judges in the decision-making process covering DOHA cases. These guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual's reliability, trustworthiness, and ability to protect classified information. These guidelines include "[c]onditions that could raise a security concern and may be disqualifying" (disqualifying conditions), if any, and many of the "[c]onditions that could mitigate security concerns." These guidelines must be considered before deciding whether or not a security clearance should be granted, continued, or denied. The guidelines do not require administrative judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in arriving at a decision. Each of the guidelines is to be evaluated in the context of the whole person in accordance with AG ¶ 2(c).



In addition to the relevant AGs, administrative judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in AG ¶ 2(a) of the revised AGs, which are intended to assist the judges in reaching a fair and impartial commonsense decision based upon a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a sufficient period of an applicant's life to enable predictive judgments to be made about whether the applicant is an acceptable security risk.

When evaluating an applicant's conduct, the relevant guidelines are to be considered together with the following AG ¶ 2(a) factors: (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.

Viewing the issues raised and evidence as a whole, the following individual guidelines are pertinent in this case:

### **Foreign Influence**

*The Concern:* 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 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 ¶ 6)

### **Burden of Proof**

By virtue of the principles and policies framed by the AGs, a decision to grant or continue an applicant's security clearance may be made only upon a threshold finding that to do so is clearly consistent with the national interest. Because the Directive requires administrative judges to make a commonsense appraisal of the evidence accumulated in the record, the ultimate determination of an applicant's eligibility for a security clearance depends, in large part, on the relevance and materiality of that evidence. See *United States, v. Gaudin*, 515 U.S. 506, 509-511 (1995). As with all adversarial proceedings, the judge may draw only those inferences which have a reasonable and logical basis from the evidence of record. Conversely, the judge cannot draw factual inferences that are grounded on speculation or conjecture.

The Government's initial burden is twofold: (1) it must prove by substantial evidence any controverted facts alleged in the SOR, and (2) it must demonstrate that

the facts proven have a material bearing to the applicant's eligibility to obtain or maintain a security clearance. The required materiality showing, however, does not require the Government to affirmatively demonstrate that the applicant has actually mishandled or abused classified information before it can deny or revoke a security clearance. Rather, the judge must consider and weigh the cognizable risks that an applicant may deliberately or inadvertently fail to safeguard classified information.

Once the Government meets its initial burden of proof of establishing admitted or controverted facts, the evidentiary burden shifts to the applicant for the purpose of establishing his or her security worthiness through evidence of refutation, extenuation, or mitigation. Based on the requirement of Exec. Or. 10865 that all security clearances be clearly consistent with the national interest, the applicant has the ultimate burden of demonstrating his or her clearance eligibility. “[S]ecurity-clearance determinations should err, if they must, on the side of denials.” See *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988).

### **Analysis**

Born and raised in Pakistan, Applicant immigrated to the United States in 1979 and became a naturalized U.S. citizen in 2003. He married his wife in 1986 and has no children from this marriage. Security concerns focus principally on Applicant’s father and stepmother, who are citizens and residents of Pakistan and a half-brother who is a citizen and resident of the UAE.

By virtue of the Pakistani citizenship and residency status of Applicant’s family members residing in Pakistan (i.e., his father, stepmother, and sister-in-law), and in the UAE (i.e., his half-brother), the frequent contacts he maintains with them, the common property he co-owns with them in Pakistan, and the money the property generates, Applicant manifests close working relationships with his family and an abiding interest in their welfare.

Potential heightened security risks covered by disqualifying condition (DC) ¶ 7(a), “contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion,” of the AGs for foreign influence apply to Applicant’s situation. None of Applicant’s family members residing in Pakistan and the UAE, respectively, have any affiliations with the governments or military establishments of either Pakistan or the UAE. Specifically, Applicant’s father is retired, and his stepmother is a homemaker.

Addressing his wife’s sister residing in Pakistan, she has no known affiliation with the Pakistan government. And while his wife maintains regular contact with her, Applicant does not. As a result, DC ¶ 7(b), “connection 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,” has limited application.

The citizenship and residence status of Applicant's family members residing in Pakistan and the UAE imposes some heightened risk because of the political and economic instability that currently exists in Pakistan. Pakistan's unsettling political and economic conditions cannot be fully reconciled with U.S. security interests. This is much less true of the UAE, where Applicant's half-brother currently resides. The UAE enjoys strong bilateral relations with the United States and maintains a stable government. (GE 3 and AEs C and D)

The AGs governing collateral clearances do not dictate *per se* results or mandate particular outcomes for applicants with relatives who are citizens or residents of foreign countries in general. What is considered to be an acceptable risk in one foreign country may not be in another. While foreign influence cases must by practical necessity be weighed on a case-by-case basis, guidelines are available for referencing in the supplied materials and country information about Pakistan. Quite clearly, the geopolitical aims and policies of the particular foreign regime operating in Pakistan does matter.

Pakistan's bilateral relations with the United States over the past half-century have been uneven and sometimes contentious. Pakistan has extensive terrorist networks operating within its borders. Extremist groups operating within Pakistan continue to target Americans and other western interests, as well as high level Pakistan government officials and members of minority, indigenous, and religious groups.

Despite increased efforts by Pakistani security forces, al-Qaida terrorists, Afghan militants, foreign insurgents, and Pakistani militants continue to find safe havens in portions of Pakistan's FATA, Khyber Paktunkwa, and Baluchistan, and have operated in those areas to organize, train, and plan attacks against the United States and its allies in Afghanistan. Still, the United States maintains important bilateral relations with Pakistan, and the Pakistan government is not known to pursue U.S. Government information or target its former citizens with that information.

Like Pakistan, the United States maintains good bilateral relations with the UAE, a stable country with close trade and investment relations with the United States. The UAE can be expected to be a close ally of the United States in the Middle East for the foreseeable future.

Based on his case-specific circumstances, both MC ¶ 8(a), "the nature of the relationships with foreign persons, the country in which these persons are located, or the persons or activities of these 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.," and 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 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," are applicable.

Applicant has been a naturalized U.S. citizen for over 10 years, holds three engineering degrees he earned from U.S. universities, and is highly regarded and trusted by his managers. While he has family members who are citizens and residents of Pakistan and the UAE, respectively, and modest property interests in Pakistan, none of these connections pose any heightened risk of a potential hostage situation in either country. Because Applicant's property interests in Pakistan represent modest holdings, he may also take advantage of the mitigating benefits of MC ¶ 8(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."

Documentation of Applicant's self-reporting of his family contacts in Pakistan is very limited. For this reason, MC ¶ 8(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," has only partial application.

Neither MC ¶ 8(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," nor MC ¶ 8(d), "the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;" apply to Applicant's situation. Applicant's contacts with his father and mother-in-law are neither casual nor infrequent, and his contacts with them do not involve U.S. Government business or Government-approved activities.

Whole-person assessment is available to narrow Applicant's exposure to conflicts of interests with his Pakistani family members residing in Pakistan and the UAE, respectively. In Applicant's case, the potential risk of coercion, pressure, or influence being brought to bear on him and his identified family members in Pakistan and the UAE, respectively, are manageable ones and create no likelihood of any coercion or pressure being brought to bear on any of his family members, or Applicant himself, in the foreseeable future.

Overall, any potential security concerns attributable to Applicant's relations with his father and mother-in-law who reside in Pakistan and his half-brother who resides in the UAE are sufficiently mitigated to permit safe predictive judgments about Applicant's ability to withstand risks of undue influence attributable to his familial relationships in Pakistan and the UAE. Neither his own citizenship and residence in the United States nor those of his family members residing in Pakistan and the UAE, respectively, pose any risks of coercion, pressure, or influence by Pakistani or UAE authorities or terrorists. Favorable conclusions warrant, accordingly, with respect to the allegations covered by sub-paragraphs 1.a-1.c.

### **Formal Findings**

In reviewing the allegations of the SOR and ensuing conclusions reached in the context of the findings of fact, conclusions, conditions, and the factors listed above, I make the following formal findings:

GUIDELINE B (FOREIGN INFLUENCE):

FOR APPLICANT

Subparas. 1.a-1.c:

For Applicant

### **Conclusions**

In light of all the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue Applicant's security clearance. Clearance is granted.

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Roger C. Wesley  
Administrative Judge

