

Program (January 2, 1992), as amended (Directive), and the Adjudicative Guidelines (AGs) implemented by DOD on September 1, 2006.

Applicant responded to the SOR on December 31, 2014, and requested a hearing. The case was assigned to me on May 17, 2015. The case was scheduled for hearing on June 15, 2015. A hearing was held as scheduled. At hearing, the Government's case consisted of two exhibits (GEs 1-2); Applicant relied on two witnesses (including herself) and four exhibits. (AEs A-D) The transcript (Tr) was received June 23, 2015.

Besides its two exhibits, the Government requested administrative notice of facts contained in five documents: *Georgia, Quick Facts*, U.S. Department of State (October 2014); *Country Reports on Terrorism 2013, Chapter 2-Europe Overview*, U.S. Department of State (October 2014); *Country Reports on Human Rights Practices 2013 - Republic of Georgia*, U.S. Department of State (2014); *Georgia: Recent Developments and U.S. Interests*, Congressional Research Service (June 2013); and *U.S. Relations with Georgia*, U.S. Department of State (January 2014).

Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 05-11292 (App. Bd. April 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).

Post Hearing Issues

Following the hearing, Applicant requested that administrative notice be taken of certain facts with respect to the Republic of Georgia (Georgia). Applicant cited source documents for the covered facts. All of the documents cited for these facts come from official U.S. Government publications and reputable major news outlets. These documents are cited in Applicant's administrative notice materials and are intended to provide context for the facts recited in the administrative notice submission. Department Counsel, while concerned about the citations to news outlets and newspaper articles for administrative purposes, did not object to taking official notice of the facts referenced in Applicant's administrative notice document. Applicant's request for official notice of the facts in his administrative notice document is granted. His administrative source document and the cited sources in the document are admitted as HE 2.

Applicant also asked for consideration of President Obama's joint news conference with Russian president Dmitry Medvedev in July 2009 covering the joint report of the U.S.-Russian Bilateral Commission covering nuclear security. Department Counsel did not object to the consideration of this submission. Coming from a non-government source, though, it lacks the reliability of a U.S. publication. The publication, accordingly, is admitted as an evidentiary exhibit and assigned AE D.

Besides his requests for official notice, Applicant requested post-hearing admission of (a) a pertinent U.S. statute covering foreign travel of U.S. citizens and (b) a sworn statement from Applicant stating she had been informed by the Georgian Embassy that her Georgia passport has been deactivated because she is no longer a citizen of the country. For good cause shown, Applicant's post-hearing submissions were admitted as AEs E and F.

Summary of Pleadings

Under Guideline B, Applicant allegedly (a) has a mother and father who are citizens and residents of the Republic of Georgia; (b) has a brother who is a citizen and resident of the republic of Georgia; and (c) maintains contact with friends that are citizens and residents of the Republic of Georgia.

Under Guideline C, Applicant allegedly (a) has a valid foreign passport from the Republic of Georgia and is not sure of its location and has not taken appropriate steps to invalidate this passport; (b) has used her Georgia passport for travel outside the United States; and (c) lived in the Republic of Georgia from December 2011 to June 2012.

In her answer to the SOR, Applicant admitted all of the allegations with explanations. She claimed to be in the process of renouncing her Georgian citizenship. She claimed she used her Georgia passport for travel outside of the United States, but only before she became a U.S. citizen. And she claimed in her answer that she lived in the Republic of Georgia between December 2011 and June 2012 due to marital problems.

Findings of Fact

Applicant is a 30-year-old cleared American guard of 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 married in September 2006 to a U.S. citizen by birth and has no children from this marriage. (GE 1; Tr. 50-53) Her parents, her husband's parents, and her brother attended the wedding in Georgia. (Tr. 50-51) She immigrated to the United States in April 2007 and became a naturalized U.S. citizen in September 2010. (GE 1; Tr. 32-33) Applicant received a U.S. passport in October 2010. (GE 1) She attended high school in Georgia between September 1990 and June 2001 and earned a high school diploma. (GE 1; Tr. 49-50) She earned her bachelor's degree in Georgia in June 2006, and her master's degree in law in the same country in January 2007. (GE 1; Tr. 50) While in school, she held an internship with the parliament for the Republic of Georgia while living with her parents. (Tr. 53, 64) Since immigrating to the United

States, she has taken limited education courses, but has not earned a degree or diploma. (GE 1)

Since September 2013, Applicant has worked for her current employer. Contemporaneous with her work for her primary employer, she has held a second job as a home health aide since September 2012. (GE 1) Between August 2011 and September 2012, she was unemployed. Before obtaining a job in February 2010 as certified nurse's aide, she experienced recurrent periods of unemployment in both the United States and Georgia. (GE 1) Since they were married, Applicant and her husband support each other financially. (Tr. 48)

Split preference issues

Prior to the hearing, Applicant possessed a valid Georgian passport and used it on one occasion in 2007 to travel outside the United States. (GEs 1-2; Tr. 77) Since becoming a U.S. citizen, and acquiring a U.S. passport, she always used her U.S. passport to travel outside of the United States. Asked about which passport she used to travel to the Republic of Georgia and back in 2011-2012, she assured she used her U.S. passport. (Tr. 76-77)

Between 2011 and 2012, Applicant lived in the Republic of Georgia. During her time of residence in the country, she held dual citizenship with the United States and the Republic of Georgia; she possessed her U.S. passport; and she held a valid Georgian passport in her name, if not in her possession. Applicant spent close to six months in Georgia, living with her mother, not working, and relying on her husband for financial support. (GEs 1-2; Tr. 95) During her time in Georgia, Applicant never used her Georgian passport to secure any special Georgian benefits. (Tr. 83) Applicant's assurances are credible and are accepted as accurate.

Although a naturalized U.S. citizen, Georgian (her native language) remains her primary language, while English is her secondary language. (Tr. 95) She hopes to refine her English language skills. (Tr. 95) Born in the former Soviet Union, Applicant speaks a little Russian, and when asked, affirmed that she does not believe its formation and occupation of Georgia was "a good idea." (Tr. 91) Since arriving in the United States, Applicant has voted in U.S. elections and paid all of her federal and state taxes as a joint filer with her husband. (Tr. 77-78)

Since her last use of her Georgian passport, Applicant has not been able to locate the passport or verify its expiration date. (GE 2; Tr. 81-82) She believes the passport (renewed in 2006) expires in 2016, which is the date she reported in her security clearance application. (GE 1; Tr. 81-82, 97-98, 102) Past efforts to locate the passport have been unsuccessful. (AEs A and D; Tr. 93-98) At one point, she thought she might have lost it during a visit to Kazakhstan, but isn't certain. (Tr. 93) Most likely, she lost it in traveling and moving. (Tr. 44-46)

Afforded an opportunity after the hearing to locate her Georgian passport, Applicant was unsuccessful. (AEs A and D) She has since been in touch with the Georgian Embassy and was told that in view of her renouncement of her Georgian citizenship, her Georgian passport had been deactivated. (AEs A and D; Tr. 99-101) Applicant's account is credible and accepted. Currently, Applicant has neither Georgian citizenship nor a valid Georgian passport in her name.

Foreign influence issues

Applicant's mother holds Georgian citizenship. She immigrated to the United States in 2008 on her Georgian passport, is sponsored by Applicant's husband for a green card, and resides in the United States as a permanent resident with a green card (GE 2; Tr. 39, 74, 78) She is considering applying for American citizenship, but to date has not done so. (Tr.89-90) She works as a home health care aide and resides in a neighboring state with a family. (Tr. 56) She last visited the Republic of Georgia in December 2014, using her Georgian passport, and stayed with Appellant's brother for the duration of her visit. (Tr. 89,101) Applicant's mother has shown no interest in returning to Georgia to reside. (89-90) Since arriving in the United States, she has twice traveled back to Georgia: in 2011, and most recently in 2014. (Tr. 88-89) Applicant sees her mother once a year but maintains regular telephone contact with her daily. (Tr. 57) While Applicant has no other family members in the United States (GE 2; Tr. 84), she stays in touch with her husband's local family members and friends. (Tr. 84)

Applicant's father is a citizen and resident of Georgia. (GEs 1-2; Tr. 58) He is separated from her mother and retired from government employment as a lawyer with expertise in criminal law. (Tr. 60) For a number of years following his government retirement in 1991, he worked as a security guard for construction companies until he fully retired in 2005 or thereabouts. (GE 2; Tr. 60-61)

Applicant and her father saw each other monthly when she lived in Georgia in 2011-2012. (GE 2; Tr. 41-42) She currently maintains monthly contact with her father by telephone. (GE 1; Tr. 58-59) Applicant's father has no affiliations or connections with the Georgian government or military and opposed the Soviets before Georgia obtained its independence. (Tr. 59) Applicant's only other immediate family member who is a citizen and resident of Georgia is her brother. (GEs 1-2) He farms (albeit, he does not own the farming business, just the land) and has no affiliations or connections with the Georgian government or military. (GEs 1-2: Tr. 62-63) Her brother has a wife who does not work and has two children. (Tr. 63)

Historically, Applicant has provided little financial support to her brother. She did assist him with a \$100 support payment shortly after she arrived in the United states, while he was out of work. (Tr. 66) She believes her mother helped her brother some in his land purchase. (Tr. 66) Applicant maintains monthly telephone contact with her brother, who has never visited the United States. (Tr. 43, 66)

In addition to her father and brother, Applicant has a number of aunts, uncles, and cousins who are citizens and residents of the Republic of Georgia. (GE 2; Tr. 91)

She rarely speaks to them and has not seen them since she returned from the country in 2012. (Tr. 91) She also identified a friend and former neighbor who is a teacher and a citizen and resident of Georgia. (GE 2) Appellant maintains monthly telephone contact with this friend. None of her contacts in Georgia know that Applicant is undergoing consideration for a national security position. (GE 2)

Applicant considers herself a loyal U.S. citizen and retains no loyalties to her birth country of Georgia. (Tr. 49) She characterizes the United States as her home. (Tr. 34) She knows little about Georgia's leaders and celebrates no Georgian holidays. (Tr. 35) By contrast, she celebrates U.S. holidays, votes in U.S. elections, and does not disagree with U.S. foreign policies with other countries. (Tr. 36) Since becoming a U.S. citizen, she has received no benefits of citizenship with the Republic of Georgia and has no property interests or inheritance expectancies in Georgia. (Tr. 36)

Georgian background information

Georgia became a Soviet Socialist Republic in 1921. The United States and the Soviet Union had a super power rivalry after WW II and opposed Georgia's status on ideological grounds. (HE 2) In 1991, Georgia procured its independence from the Soviet Union and established diplomatic relations with the United states in 1992. (Administrative Notice and AE D) Georgia has since been supported by the United States in deepening its Euro-Atlantic ties and strengthening its democratic institutions. (HE 2)

In an effort to assist the Republic of Georgia following its war with Russia in 2008, the Bush Administration pledged \$1 billion to assist the country in its humanitarian and economic recovery. Following the assistance package, Secretary Rice and her Georgian counterpart, Grigol Vashadze, signed the U.S.-Georgia Charter on Strategic Partnership on January 9, 2009. (HE 2) The Charter has served to enhance the aspirations of both countries for stronger economic, diplomatic, and strategic partnerships beneficial to both countries. (HE 2)

President Obama reiterated the importance of maintaining respect for Georgia's sovereignty and territorial integrity during his first visit to Russia in 2009. (AE D) In his joint press conference with President Medvedev in July 2009, both presidents stressed the importance of their creation of a U.S.-Russian Presidential Commission to serve as a new foundation for cooperation. (AE D)

Recent developments show that Georgia has proven to be an important asset in helping to move western energy resources from the Caspian Basin through two current pipelines, the Baku-Tbilisi-Erzurum gas pipeline and the Baku-Tbilisi-Ceyhan pipeline. (HE 2) Georgia's goal of strengthening its Euro-Atlantic ties creates a considerable challenge to Russia's attempts "to redraw international borders and keep NATO out of its former Soviet territory." (HE 2) To be sure, Russia does not view Georgia as a sovereign country but as a former satellite to check the advances of the emerging economic alliance between Georgia and the United States. (HE 2) In recent statements, Secretary of State Kerry pronounced continuing U.S. support for Georgia's sovereignty and

territorial integrity, and objection to Russia's occupation, militarization, and "borderization" of Georgian territory. (Administrative Notice and HE 2)

Still, stress points exist between Russia and Georgia that create geopolitical risks for Georgia and the United States in reaching the full potential of their strategic partnership. In 1992, the region of Abkhazia declared independence, igniting decades of unrest. (Administrative Notice, *supra*) Russian troops proceeded to occupy the region, triggering an interstate conflict that produced about 10,000 deaths and 200,000 displaced persons. (Id.) Similar conflicts between the central Government and the region of South Ossetia date to 1990. In August 2008, Russia launched a military incursion into these contested regions to further cement its control and weaken the central Georgian government. See Administrative Notice (Id.) and *Georgia: Recent Developments and U.S. Interests, supra*, 17-35.

Georgia's human rights record and counter-terrorism efforts

Georgia's human rights record remains uneven and in some cases poor by Western standards. See Administrative Notice, *supra*, and (*Country Reports on Human Rights Practices - Georgia, supra*, at 1. The Department of State's 2013 human rights report details ongoing concerns about societal violence against religious minorities and members of the lesbian, gay, and bisexual community. (Id.)

Additionally, in the aftermath of the October 2012 elections, members of the losing political party were subjected to harassment, job loss, and arrests. Several thousand armed Russian troops remain in the Abkhazia and South Ossetia regions, and violence has continued despite a cease-fire.

From a positive perspective, the Republic of Georgia has cooperated with the United States in counter-terrorism efforts. Despite these efforts, though, terrorist incidents have continued. In September 2013, a diplomat was killed by an alleged Islamic terrorist. The Georgian government's lack of control over the Abkhazia and South Ossetia regions limited its abilities to investigate and counter terrorism in these regions. See Administrative Notice, *supra*, and *Country Reports on Terrorism 2013, Chapter 2-Europe Overview, supra*, at 9-10. In 2012, terrorist groups were active within Georgia, having entered from Russia's Dagestan and Chechnyan Republics. See Administrative Notice, *supra*, at 2 and *Georgia: Recent Developments and U.S. Interests, supra*, at 17-25.

Concerned about American citizens traveling to and in the Republic of Georgia, the U.S. Department of State has issued strong travel warnings. See *Georgia, Quick Facts, supra*, at 3-4. U.S. Embassy personnel are restricted in travel to Abkhazia and South Ossetia, even in the case of emergencies involving U.S. citizens. These regions are not under the control of the Georgian government following civil wars in the early 1990s, and tensions remain high between the de facto authorities in Abkhazia and South Ossetia and the Georgian government. (Id.)

Endorsements

Applicant maintains excellent personal relationships with friends and members of her local church community.(AE C) They consider her to be mature, honest, and committed to her care giving. She has impressed her parish membership with her generosity. (AE C; Tr. 108-111, and 119) Her parish members credit her with excellent care of members requiring physical assistance. (AE C; Tr. 108-111, and 119)

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 reaching 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 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 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 adjudication policy factors are pertinent herein:

Foreign Preference

The Concern: When an individual acts in such a way as to indicate 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. See AG ¶ 9.

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. See AG ¶ 6.

Burden of Proof

Under the Directive, a decision to grant or continue an applicant's request for 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. 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 showing of material bearing, 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, consideration must take account of 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 burden of proof shifts to the applicant for the purpose of establishing his or his security worthiness through evidence of refutation, extenuation or mitigation of the Government's case. Because Executive Order 10865 requires that all security clearances be clearly consistent with the national interest, "security-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

Applicant is a well regarded home health aide who immigrated to the United States in 2007 and acquired U.S. citizenship in September 2010. When she became a U.S. citizen she acquired a U.S. passport. However, she retained her Georgian citizenship and passport, which she later affirmed that she either lost or misplaced. She has since renounced her Georgian citizenship and secured a confirmation from the Georgian Embassy that her Georgian passport has been deactivated. Applicant maintains monthly telephone contact with two immediate family members (her retired father and brother), as well as a friend she met while residing in Georgia in 2011-2012.

Security concerns relate to foreign preference based on Applicant's prior dual citizenship status with Georgia and past possession of a Georgian passport, that she never used since becoming a naturalized U.S. These concerns are initially established. Foreign influence concerns relative to Applicant's having immediate family members who are citizens and residents of Georgia are initially established as well.

Foreign Preference

Dual citizenship concerns necessarily entail allegiance assessments and invite critical considerations of acts indicating a preference for the interests of the foreign country (Georgia) over the interests of the United States. By electing to retain her dual Georgian citizenship before the issuance of the SOR, and failing to take more concerted actions to recover or ascertain the whereabouts of her Georgian passport after becoming a naturalized U.S. citizen with a U.S. passport for personal and business travel, she satisfied some indicia of a split preference for Georgia and the United States

Until recently, Applicant has not been able to find her Georgian passport or have it deactivated by the Georgian government. Applicant's retaining her still unexpired Georgian passport and citizenship in these circumstances represented some indicia of a preference for Georgia that required affirmative steps by Applicant to refute or mitigate.

Preference questions require predictive judgments about how an applicant can be trusted in the future to honor his or her fiduciary responsibilities to the Government. Applicant has worked in the United States for several years since becoming a U.S. citizen and should be cognizant of the potential risks of working for a U.S. defense contractor while contemporaneously holding dual citizenship and an unexpired foreign passport. Her choices are understandable, considering her circumstances and presented travel difficulties to Georgia to visit her father and brother without a Georgian passport and Georgian citizenship. But Applicant's choices also indicate reluctance to part with her Georgian citizenship and passport and reflect some split preference for the United States and Georgia.

Because Applicant elected to retain her Georgian passport initially after becoming a U.S. citizen while she still held dual U.S. citizenship and a U.S. passport, the Government may apply certain provisions of disqualifying condition (DC) ¶ 10(a) of AG ¶ 9, "exercise of any right, privilege or obligation of foreign citizenship after becoming a

U.S. citizen or through the foreign citizenship of a family member. This DC includes but is not limited to:

- (1) possession of a current foreign passport;
- (2) military service or a willingness to bear arms for a foreign country;
- (3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country;
- (4) residence in a foreign country to meet citizenship requirements;
- (5) using foreign citizenship to protect financial or business interests in another country;
- (6) seeking or holding political office in a foreign country; and
- (7) voting in a foreign election.

Specifically, DC ¶ 10(a)(1) applies to the established facts and circumstances herein. By retaining her Georgia passport, Applicant was able to achieve potential travel privileges and conveniences not available to other U.S. citizens.

Since the issuance of the SOR, Applicant has renounced her Georgian citizenship and secured the deactivation of her Georgian passport through the Georgian Embassy. These actions reflect positively on Applicant's efforts to demonstrate her loyalty and exclusive commitment to the values and responsibilities of U.S. citizenship.

Because Applicant's dual citizenship status is based on her parents' citizenship and birth in Georgia, she may claim the benefits of MC ¶ 11(a), "dual citizenship is based solely on parent's citizenship or birth in a foreign country." Since she has procured the deactivation of her Georgian passport, she may also claim the mitigation benefits of MC ¶ 11(e), "the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated." None of the other mitigating conditions apply to Applicant's situation.

Whole-person precepts are certainly helpful to Applicant in surmounting the Government's preference concerns herein. The positive trust impressions she has forged with her friends and colleagues who have worked with her in recent years, add support to her claims of trust and loyalty to U.S. core values and her demonstrated loyalty and preference for the United States.

Overall, Applicant is able to persuade that her current preference is solely with the United States. Because she benefitted from so few Georgian privileges after becoming a U.S. citizen, she manifested little preference for Georgia under the criteria established by the Appeal Board. Applicant absolves herself of foreign preference concerns associated

with the presented issue of whether she retains a preference or split preference for her birth country (Georgia), over her adopted country (the United States). Favorable conclusions are warranted with respect to allegations 2.a through 2.c of the SOR, covered by Guideline C.

Foreign Influence

Applicant and her family have solid roots in Georgia. Determined to make a new life for herself in the United States after completing most of her college studies in Georgia, she immigrated to the United States and became a naturalized U.S. citizen in September 2010. While initially committed to retaining her Georgian citizenship and Georgian passport, she has since renounced her citizenship of her birth country (Georgia) and deactivated her Georgian passport.

While her father and brother remain citizens and residents of Georgia, Applicant has not seen either of them since her extended stay in Georgia in 2011-2012 and maintains only monthly contact with them. Neither family member in Georgia has any affiliations or connections with the Georgian government or military. Applicant's mother is a permanent green card resident of the United States with no manifest intention to return to Georgia.

The Government urges security concerns over risks that Applicant's family members in Georgia could be subjected to pressures or compromise to enlist their help in eliciting classified information from Applicant. Because Applicant no longer has dual Georgian citizenship and a Georgian passport, she can no longer freely travel to Georgia. And she possesses no special skills and experience that could conceivably place herself and her Georgian family members in harm's way.

Before renouncing her Georgian citizenship and deactivating her Georgian passport, both Applicant and her family members and friend residing in Georgia might be subject to undue foreign influence and pressure by Georgian authorities to access sensitive proprietary information in Applicant's possession or control. As such, she presented a potentially heightened security risk 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.

While stress points do exist between Russia and Georgia that create geopolitical risks for Georgia and the United States in reaching the full potential of their strategic partnership, Georgia continues to be an ally of the United States in the war on terrorism. True, Georgia's human rights record remains uneven and in some cases poor by Western standards. But everything considered, the risks of any pressure, coercion, or foreign influence on any of Applicant's family members and friend residing in Georgia promise to be minimal and manageable.

Because of the regular contacts Applicant maintains with her two family members and friend residing in Georgia (both her father and brother, consideration of 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 some application to Applicant’s situation.

The AGs governing collateral clearances do not dictate *per se* results or mandate particular outcomes for applicants with relatives who are citizens/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 Georgia. The AGs do take into account the country’s demonstrated relations with the United States as an important consideration in gauging whether the particular relatives with citizenship and residency elsewhere create a heightened security risk. The geopolitical aims and policies of the particular foreign regime involved do matter.

Based on Applicant’s case-specific circumstances, 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. [United States],” is fully available to Applicant under the facts of this case. With Applicant having renounced her Georgian citizenship and deactivated her Georgian passport, Applicant’s family members pose little cognizable risk that could subject her to potential pressures, coercion, and influence from Georgian government and military officials.

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 United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest,” is fully applicable. Applicant’s family ties to Georgia are significantly weakened now that she no longer holds Georgian citizenship with an active Georgian passport. Not to minimize her ties with her father and brother, Applicant can be expected to resolve any potential conflicts of interest in favor of the U.S. interest.

MC ¶ 8(c), “contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create risk for foreign influence or exploitation,” also applies to Applicant’s situation. 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,” has some application. Applicant has no property or financial interests in Georgia and no inheritance expectancy in that country that could expose her to potential conflicts.

Unavailable to Applicant is 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.” Applicant has had no contracts or business interests in Georgia to report to her facility security officer or cognizant U.S. officials.

All told, Applicant’s family links and contacts in Georgia are modest and pose little heightened risks of pressure, coercion, and influence that could be brought to bear on Applicant and her family members residing in Georgia. Remaining risks are clearly manageable ones.

Whole-person assessment is available to minimize Applicant’s exposure to any potential conflicts of interests with Georgian government officials. Her friends and colleagues who have worked with her find her to be honest and trustworthy. Overall, any potential security concerns attributable to Applicant’s having family members residing in Georgia are sufficiently mitigated to permit safe predictive judgments about Applicant’s ability to withstand any Georgian risks of undue influence. Favorable conclusions warrant with respect to the allegations covered by Guideline B.

Formal Findings

In reviewing the allegations of the SOR in the context of the findings of fact, conclusions, and the factors and conditions listed above, I make the following separate formal findings with respect to Applicant’s eligibility for a security clearance.

GUIDELINE B:	FOR APPLICANT
Subparas. 1.a-1.c	For Applicant
GUIDELINE C:	FOR APPLICANT
Subparas. 2.a-2.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.

Roger C. Wesley
Administrative Judge

