



**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. 14-04989

**Appearances**

For Government: Eric Borgstrom, Esq., Department Counsel  
For Applicant: *Pro se*

01/21/2016

**Decision**

WESLEY, Roger C., Administrative Judge:

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

**Statement of Case**

On December 4, 2014, the Department of Defense (DOD) Consolidated Adjudications facility (CAF) issued a Statement of Reasons (SOR) to Applicant, which detailed reasons why DOD adjudicators could not make the preliminary affirmative determination of eligibility for granting a security clearance. DOD 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 DOD on September 1, 2006.

Applicant responded to the SOR on December 23, 2014, and requested a hearing. The case was assigned to me on May 7, 2015. The case was scheduled for hearing on June 17, 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 himself) and seven exhibits. (AEs A-G) The transcript (Tr) was received June 25, 2015.

Besides its two exhibits, the Government requested administrative notice of facts contained in seven documents: *U.S. Relations with Colombia, Fact Sheet*, U.S. Department of State (November 2013); *Foreign Terrorist Organizations*, U.S. Department of State (September 2012); *Country Reports: Western Hemisphere Overview, Country Reports on Terrorism 2013* (April 2014); *Travel Warning, Colombia*, U.S. Department of State (November 2014); *Latin America; Terrorism Issues*, Congressional Research Service (March 2012); *Country Reports on Human Rights Practices for 2013, Colombia*, U.S. Department of State (undated); *Quick Facts, Colombia*, U.S. Department of State (December 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).

For good cause shown, administrative notice was granted with respect to the above-named background reports addressing the geopolitical situation in Colombia and other security concerns. 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 Colombia's current status.

### **Post Hearing Issues**

Before the close of the hearing, Department Counsel moved to amend subparagraph 1.b of the SOR to add that Applicant used his Colombian passport in March 2013 to travel to Colombia and renewed his Colombian passport in March 2015. This passport carried an expiration date of March 2025. Applicant did not object to the amendment, and for good cause shown, Department Counsel's motion was granted.

Prior to the close of the hearing, Applicant requested the record be kept open to permit him the opportunity to supplement the record with performance evaluations and certificates of U.S. citizenship for his brother and mother. For good cause shown, Applicant was granted seven days to supplement the record. The Government was granted five days to respond. Within the time permitted, Applicant submitted

performance evaluations for 2013-2015 and U.S. naturalization certificates for his mother and brother. Applicant's submissions were admitted as AEs H-J.

### **Summary of Pleadings**

Under Guideline C, Applicant allegedly (a) maintains citizenship with both the United States and Colombia; (b) has a passport issued by Colombia with an anticipated [past] expiration of February 12, 2015; (c) voted in the Colombia Presidential election in 2010; and (d) traveled to Colombia several times between 2008 and 2013.

Under Guideline B Applicant allegedly (a) has a mother and father who are citizens of Colombia; (b) has a brother and half-sister who are citizens and residents of Colombia; and (c) maintains several contacts with friends and relatives whom are still citizens and resident of Colombia.

In his answer to the SOR, Applicant admitted all of the allegations with explanations. He claimed that Colombia allows for Colombian nationals to have citizenship with other countries. He claimed he is willing to turn in his passport to the proper authorities and cease voting in Colombian elections. In his travels to Colombia in 2008 and 2013, he claimed the purpose of his visits was to vacation and visit friends and family.

Applicant claimed in his answer that both of his parents are Colombian citizens who possess U.S. green cards and reside in Applicant's U.S. community. He claimed his mother is pursuing U.S. citizenship; while his father is taking English classes to improve his language skills to meet U.S. citizenship requirements. Applicant also claimed his brother is a U.S. citizen, who travels to Colombia less frequently, and his one-half sister is a psychological counselor in Colombia who has no intention of becoming a U.S. citizen due to career choices. And he claimed no financial ties or responsibilities to his friends residing in Colombia with whom he has had little interaction over the years.

### **Findings of Fact**

Applicant is a 31-year-old field supervisor 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 has never been married and has no children. (GE 1) He has been in a romantic relationship with a woman for more that ten years and has a child from this relationship. (Tr. 39-40) He provides financial support for both his girlfriend and his son. (Tr. 41, 61, 64) He attended college classes between September 2002 and May 2007, and earned an associate of arts degree in liberal arts in October 2007. (GE 1 and AE G;

Tr. 26, 74) He earned a bachelor's degree in May 2009 in communications. (GE 1 and AE G; Tr. 27)

Applicant immigrated to the United States with his parents and brother on tourist visas in December 1996. (GEs 1-2 and AE B; Tr. 25-26) He obtained a green card and has maintained his U.S. residency with his parents since arriving in the United States. (Tr. 27, 30, and 63) Applicant became a naturalized U.S. citizen in April 2013 and was issued a U.S. passport in the same month and year. (GEs 1-2 and AEs D and E; Tr. 27, 47 ) Once he became a U.S. citizen, he dropped his mother's surname. (GE 2) Since August 2010, he has worked for a defense contractor where he specializes in the installation of hardware that drives the software his company provides its customers. (Tr. 29)

Before becoming a U.S. citizen, Applicant voted in one Colombian election (i.e., in 2010), but has not voted in a foreign election since becoming a U.S. citizen. (Tr. 42-43) By contrast, since becoming a U.S. citizen, he has voted in U.S. state elections. (Tr. 54)

### **Split preference issues**

Between 2008 and March 2015, Applicant traveled to Columbia on a number of occasions to visit family members. (GEs 1-2) Altogether, he traveled to Colombia to visit his family on five occasions before becoming a U.S. citizen: in March 2008, in December 2008, in December 2009, in December 2012, and in January 2013. (GEs 1-2; Tr. 43-44, 47) On each trip he used his Colombian passport. His trip to Colombia in January 2013 was the last trip he made with his parents before he became a U.S. citizen. (Tr. 47)

Since becoming a U.S. citizen, Applicant made one trip to Colombia (in March 2015) to visit his family and friends. (GE 1; Tr. 57-58) On this trip, he entered Colombia with his U.S. passport, but used an expired Colombian passport. (Tr. 47) To enter and exit the country, he was required to pay a fine and exit on his expired Colombian passport. (Tr. 45-49) While in Colombia, he visited his U.S. grandparents who were in Colombia at the time, as well as his aunts and uncles on his father's side. (Tr. 49-50) Following his return from Colombia the same month, he applied for and received a renewed Colombian passport with a new expiration date of March 2025. (GE 2)

In June 2015, Applicant surrendered his Colombia passport to his facility security officer (FSO). In an affidavit executed by his FSO, the FSO confirmed that Applicant voluntarily surrendered his Colombian passport to him. (AE A) The FSO, in turn, affirmed he would retain custody of the passport in a secure location and will file an incident report should Applicant request that the passport be returned to him. (AE A) The FSO conveyed no indication of whether he would return the passport to Applicant on request. (AE A)

In March 2014, Applicant was interviewed by an agent of the Office of Personnel Management (OPM). Asked by the agent whether Applicant was willing to renounce his Colombian citizenship, Applicant indicated he would rather not if he did not have to out of concern of being denied entry and exit without Colombian citizenship and a Colombian passport. (GE 2) He confirmed, though, that he would consider renouncing his Colombian citizenship should it become necessary for a security clearance. To date, though, Applicant has taken no concrete steps to renounce his Colombian citizenship. (GE 2) Applicant has no affiliations with any government or military officials in Colombia and has no property, financial interests, or benefits in Colombia.

### **Foreign influence issues**

Applicant's parents currently reside in the United States. (GEs 1- 2) They hold Colombian citizenship and have property in Colombia, which they rent to one of his father's aunts. (Tr. 50) Applicant has a brother and half-sister who retain Colombian citizenship. His brother became a naturalized U.S. citizen in August 2013 and retained his Colombian citizenship after becoming a U.S. citizen. (GE 2) Applicant himself has no property interests in Colombia. (Tr. 51) And while in Colombia on vacation trips before becoming a U.S. citizen, he never used his Colombian passport to gain any special benefits, medical benefits, or travel benefits.(Tr. 51)

Applicant's brother resides with Applicant and their parents. (Tr. 33) To the best of Applicant's knowledge, his brother is still considered a Colombian citizen, which requires him to use his Colombian passport when traveling to Colombia. He has no affiliation with any foreign government or military (inclusive of Colombia). (GE 1; Tr. 25) Applicant's sister, who was born in the United States, also resides with their parents.(AE I; Tr. 32)

Applicant's father is employed in the United States as a cafeteria cook. (Tr. 32) He has siblings in Colombia who are both citizens and residents of Colombia. (GEs 1-2) To the best of Applicant's knowledge, none of his family members who reside in Colombia have ever encountered members of a terrorist organization. Applicant's mother is a listed resident alien and is employed as a housekeeper and child care provider. (GE 2; 34) His mother is currently pursuing educational courses required for obtaining naturalized U.S. citizenship. (GE 2)

Besides his siblings (brother and sister) who reside in the United States, Applicant has a half-sister who is a citizen and resident of Colombia. (GEs 1-2; Tr. 34-35) She is a practicing psychologist with a Colombian company in Colombia and has expressed no intention of leaving Colombia. Applicant has little contact with his half-sister (every four years by telephone) and less frequent personal contacts when he visits Colombia. (GE 2; Tr. 34-35, 52, 49-50, and 75) Applicant credits his father with maintaining telephonic monthly contact with his half-sister. (Tr. 75)

In addition to his immediate family members, Applicant has aunts, uncles, and cousins who are citizens and residents of Colombia. (GEs 1-2; Tr. ) Applicant maintains

yearly contact with these family members. (GE 2) While his father talks to these Colombian family members on a weekly basis. (Tr. 57-58)

### **Colombian background information**

Colombia is a constitutional multiparty democracy with a population of over 44 million. See *Administrative Notice, supra*, at 3 and *U.S. Relations with Colombia, Fact Sheet, supra*, at 17ujn ) It is the second most populous country in South America. Any person from Colombia is considered a Colombian citizen. (Id.) Any person born in Colombia may be considered a Colombian citizen, even if never documented as such. Dual citizens of Colombia are required to use their Colombian passports for entry and exit regardless of whether the citizen holds dual citizenship. See *Administrative Notice, supra*) Any person born in Colombia may be considered a Colombian citizen, even if never documented as such. Moreover dual U.S.-Colombian citizens are required to present a Colombian passport to enter and exit Colombia. (*Quick Facts, Colombia, supra*, at 2-3.)

The Department of State warns U.S. citizens of the dangers of travel to Colombia. Violence by narco-terrorist groups continues to affect some rural areas and cities. The potential for violence by terrorists and other criminal elements exists in all parts of the country. (*Administrative Notice, supra*, at 3) In a November 14, 2014 travel warning, the Secretary of State designated three Colombian groups-the Revolutionary Armed forces of Colombia (the FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC)-as Foreign Terrorist Organizations. See *id.* and *U.S. Relations with Colombia, Fact Sheet*, at 1.

Continuing talks between Colombian government officials and FARC representatives notwithstanding, FARC committed the majority of terrorist attacks in the Western Hemisphere in 2013. See *Travel Warning, Colombia, supra*, at 1. While there have been no reports of U.S. citizens being targeted specifically for their nationality, the FARC and ELN terrorist groups continue to condemn any U.S. influence in Colombia. (Id.)

Terrorists and other criminal organizations continue to kidnap and hold persons of all nationalities and occupations for ransom. No one is immune from kidnaping on the basis of occupation, nationality, or other factors. See *Travel Warning, Colombia, supra*, at 1.

In July 2008, a Colombian military operation rescued 15 hostages, including three U.S. defense contractors held by the FARC since February 2003. See *Administrative Notice, supra*, at 1 and *Latin America; Terrorism Issues, supra*, at 2. The FARC is estimated to have a strength of around 8,000, and the group continues to engage in terrorist attacks, extortion, and kidnaping. (Id.)

Although the Colombian government has continued to make positive efforts to confront and address human rights abuses, serious problems still remain. *Country Reports on Human Rights Practices for 2013, Colombia, supra*, at 1. Unlawful and

extrajudicial killings, forced disappearances, insubordinate military collaboration with new illegal armed groups, overcrowded and insecure prisons, violence against women, trafficking in persons, and other serious human rights abuses were reported during 2013, the most recent year in which such information is presently available from the U.S. State Department. (Id.)

### **Endorsements**

Applicant is highly regarded by his project managers. One project manager who has worked with Applicant for close to five years and interacts with him daily considers Applicant to be very dependable and trustworthy. (Tr. 79-82) He credited Applicant with outstanding character and being a very good father. (Tr. 81-82) Applicant's senior project manager characterized Applicant as praiseworthy and confirmed his promotion of Applicant from a systems specialist to a site supervisor. (Tr. 86, 88)

Applicant presented excellent performance evaluations in all areas of evaluation for the rating years of 2012-2013 and 2014-2015. (AE J) He received high marks for communication, initiative, dependability, job knowledge, productivity, teamwork, quality, judgment, problems solving, planning, meeting management, project management, leadership, hiring and coaching, people management, and overall performance. (AE J)

### **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 AGs 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 field supervisor of a defense contractor who immigrated to the United States in 1996 from Colombia with his parents and brother and acquired U.S. citizenship in April 2013. When he became a U.S. citizen he acquired a U.S. passport. However, he retained his Colombian citizenship and passport and later attempted to use this passport (although expired at the time) to travel to Colombia in March 2015 before surrendering it to his FSO in June 2015.

Applicant has since expressed some qualified intent to consider renouncing his Colombian citizenship should it become necessary for his being granted a security clearance, but has never expressed an intention in unequivocal terms. Applicant maintains occasional contact with his half-sister (every four years) who resides in Colombia, as well as with some of his other family members residing in Colombia. He has no property, investment, or benefits in Columbia and is a loyal U.S. citizen dedicated to the values and mores of the United States.

Security concerns related to foreign preference are based on Applicant's dual citizenship status with Colombia, attempted use of a Colombian passport after becoming a naturalized U.S. citizen, and continued possession of his Colombian passport after becoming a naturalized U.S. citizen. Foreign influence concerns relative to Applicant's having a half-sister and other relatives who are citizens and residents of Colombia are raised 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 (Colombia in this case) over the interests of the United States. By electing to retain his dual Colombian citizenship before the issuance of the SOR, and failing to take more concerted actions to surrender his Colombian passport after becoming a

naturalized U.S. citizen in April 2013 with a U.S. passport for personal and business travel, he satisfied some indicia of a split preference for Colombia and the United States

Until his OPM interview in March 2014, Applicant had consistently elected to retain his Colombian citizenship and Colombian passport. In his OPM interview, he expressed some qualified willingness to renounce his Colombian citizenship, but only if it would facilitate his obtaining a security clearance. Although his willingness to consider renouncing his Colombian citizenship is a qualified one, it does show some flexibility in his weighing his personal needs with U.S. security interests.

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 expired foreign passport. His choices are understandable, considering his circumstances and presented travel difficulties to Colombia to visit his half-sister, extended family members, and friends without Colombian citizenship and a Colombian passport. But Applicant's choices also indicate reluctance to part with his Colombian citizenship and passport and reflect some split preference for the United States and Colombia.

Because Applicant elected to retain his Colombian passport initially after becoming a U.S. citizen while he 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 his Colombian 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 expressed a qualified intention to renounce his Colombian citizenship and surrendered his Colombian passport to his FSO. These actions reflect positively on Applicant's efforts to demonstrate his loyalty and exclusive commitment to the values and responsibilities of U.S. citizenship.

Because Applicant's dual citizenship status is based on his parents' citizenship and birth in Colombia, he may claim the benefits of MC ¶ 11(a), "dual citizenship is based solely on parent's citizenship or birth in a foreign country." Since he has surrendered his Colombian passport, he 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 foreign preference concerns herein. The positive trust impressions he has forged with his project managers and colleagues who have worked with him in recent years, add support to his claims of trust and loyalty to U.S. core values and his demonstrated loyalty and preference for the United States.

Overall, Applicant is able to persuade that his current preference is solely with the United States. Because he benefitted from no Colombian privileges after becoming a U.S. citizen, he manifested little preference for Colombia under the criteria established by the Appeal Board. Applicant absolves himself of foreign preference concerns associated with the presented issue of whether he retains a preference or split preference for his birth country (Colombia), over his adopted country (the United States). Favorable conclusions are warranted with respect to allegations 1.a through 1.d of the SOR, covered by Guideline C.

### **Foreign Influence**

Applicant and his family have solid family roots in Colombia. Determined to make a new life for themselves and their family, Applicant's parents, accompanied by Applicant and his brother, immigrated to the United States in 1996. Once settled in the United States, Applicant took advantage of higher education opportunities and earned his high school diploma before advancing to the college level and earning an associate's and bachelor's degrees in his chosen fields. He has used his education to good purpose with his current employer and shows good promise for advancement. While initially committed to retaining his Colombian citizenship and Colombian passport, he has since considered renouncing his Colombian citizenship and surrendered his Colombian passport.

While his sister-in-law and extended family members remain citizens and residents of Colombia, Applicant has had only occasional contact with them. None of Applicant's family members in Colombia has any affiliations or connections with the Colombian government or military. Applicant's mother is a permanent green card resident of the United States with no manifest intention to return to Colombia.

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

Before surrendering his Colombian passport, both Applicant and his family members residing in Colombia might be subject to undue foreign influence and pressure by Colombian authorities to access sensitive proprietary information in Applicant's possession or control. As such, he 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 Colombia and the United States over active terrorist organizations that operate in Colombia that create geopolitical risks for Colombia and the United States in reaching the full potential of their strategic relationship in fighting terrorism and trafficking, Colombia continues to be an ally of the United States in the war on terrorism. True, Colombia'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 distant family members and residing in Colombia promise to be minimal and manageable.

Because of the occasional contacts Applicant and his father maintain with Applicant's half-sister and extended family members, 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. Guidelines are available for referencing when making risk assessments about a country's status. Country-related materials and information about Colombia were supplied by the Government.

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's expressing some interest in renouncing his Colombian citizenship and having surrendered his Colombian passport to his FSO, Applicant's family members pose little cognizable risk that could subject him to potential pressures, coercion, and influence from Colombian 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 Colombia are significantly weakened now that his brother holds U.S. citizenship and a U.S. passport. Not to minimize Applicant's ties with his half-sister and other family members in Colombia, 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, financial interests, or benefits in Colombia that could expose him 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 Colombia to report to his FSO or cognizant U.S. officials.

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

Whole-person assessment is available to minimize Applicant's exposure to any potential conflicts of interests with Colombian government officials. His supervisors who have worked with him find him to be highly responsible and productive and a promising site supervisor with excellent character. Overall, any potential security concerns attributable to Applicant's having family members residing in Colombia are sufficiently mitigated to permit safe predictive judgments about Applicant's ability to withstand any

Colombian 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 C:	FOR APPLICANT
Subparas. 1.a-1.d	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.

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Roger C. Wesley  
Administrative Judge

