



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 24-01091

Appearances

For Government: Brian L. Farrell, Esq., Department Counsel

For Applicant: Daniel P. Meyer, Esq.

09/12/2025

Decision

HARVEY, Mark, Administrative Judge:

Applicant mitigated security concerns under Guideline L (outside activities); however, she failed to mitigate Guideline B (foreign influence) security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On September 16, 2023, Applicant completed and signed an Electronic Questionnaires for Investigations Processing (SF 86) or security clearance application (SCA). (GE 1) On September 13, 2024, the Department of Defense Counterintelligence and Security Agency (DCSA) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DCSA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security

clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guidelines B and L. (HE 2)

On November 19, 2024, Applicant provided a response to the SOR, and she requested a hearing. (HE 3) On January 24, 2025, Department Counsel was ready to proceed. On June 5, 2025, the case was assigned to me. On June 6, 2025, the Defense Office of Hearings and Appeals (DOHA) issued a notice scheduling the hearing for July 9, 2025. (HE 1) Applicant's hearing was held as scheduled.

Department Counsel provided two exhibits, and Applicant provided six exhibits at her hearing. (Transcript (Tr.) 13-16; GE 1-GE 2; Applicant Exhibit (AE) A-AE F) There were no objections, and all exhibits were admitted into evidence. (Tr. 14, 16) The transcript was received on July 21, 2025. No post-hearing exhibits were received. (Tr. 133)

Legal Issues

Department Counsel requested administrative notice concerning the Syrian Arab Republic (Syria) and the United Arab Emirates (UAE). (Tr. 14; HE 4; HE 5) Applicant did not object, and I granted Department Counsel's motion. (Tr. 14) I also took administrative notice of a June 20, 2025 White House fact sheet describing recent changes to U.S. and Syria policies. (HE 6) Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); ISCR Case No. 05-11292 at 4 n.1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986)). Usually, administrative notice at ISCR proceedings is accorded to facts that are either well known or from government reports. See Stein, *Administrative Law*, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). The administrative notice section is substantially quoted from Department Counsel's submission and the White House Fact Sheet without footnotes and bullets. The sections in the administrative notice request concerning indictments and export and import violations are not included because there is no evidence Applicant or her family are related to any criminal or other illicit activity.

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, she admitted the SOR allegations in ¶¶ 1.a through 1.g and 2.a. (HE 3) She also provided explanations, clarifications, and mitigating information. (*Id.*)

Applicant is seeking employment as a program and policy advisor with a government contractor. (Tr. 68-69) In 1985, she was born in Syria. (Tr. 74-75, 90) In 1996, she left Syria and came to the United States. (Tr. 95) Around 1998 when she was 13 years old, she became a U.S. citizen. (Tr. 74) From about 1999 to 2003, she lived in Syria. (Tr. 98-99) From 2003 to 2007, she attended a university in Syria, and she received a Syrian law degree. (Tr. 73, 98) In 2007, she returned to the United States. (Tr. 75, 100) From 2009 to 2011, she attended a U.S. university, and she received a master's degree in public policy and economics. (Tr. 70-73) When she was not living in the United States, she spent her summers in the United States, and she spent the rest of the time in Syria. (Tr. 74)

Applicant lived and worked in Syria from 2012 to 2021 (nine years). (Tr. 87, 103) In 2012, a religious entity employed her to provide humanitarian work for women and children in Syria. (Tr. 71) In 2014, she visited the United States. (Tr. 104) In 2015, the United Nations (UN) hired her as a consultant, and from 2016 to 2021, the UN employed her to assist children in Syria. (Tr. 71) She voted in one Syrian election. (Tr. 90) She used her Syrian passport to enter and exit Syria for safety reasons, and her Syrian passport expired in 2022. (Tr. 90-91, 101) She does not plan to return to Syria or to renew her Syrian passport. (Tr. 90-91) She is willing to attempt to renounce her Syrian citizenship if the U.S. government asked her to do so; however, she does not believe it is possible to renounce Syrian citizenship. (Tr. 92)

In 2021, Applicant moved to UAE and was employed in a U.S. embassy in UAE from May 2021 to February 2024. (Tr. 72) See SOR ¶¶ 1.f and 1.g, *infra*. In 2023, she visited the United States from UAE for three months. (Tr. 105) In February 2024, she returned to the United States. (Tr. 75, 105, 107) In May 2024, she and her husband returned to UAE because his employment was in UAE. (Tr. 107-109) She was living in the United States at the time of her hearing.

Foreign Influence and Outside Activities

SOR ¶¶ 1.a through 1.g are allegations of foreign influence, and SOR ¶ 2.a cross alleges the allegations in SOR ¶¶ 1.f and 1.g under the outside activities guideline.

SOR ¶ 1.a alleges Applicant's spouse is a citizen of Syria. He met Applicant in 2012 in Syria. (Tr. 18) They have lived together since 2012. (Tr. 18) He received a fiancée visa to the United States in 2022 or 2023. (Tr. 18, 20) They married in 2023 in the United States. (Tr. 18) In January 2025, Applicant's husband was approved to be a U.S. permanent resident. (Tr. 20, 47, 50)

SOR ¶ 1.b alleges Applicant's mother, father, and sister are residents of Syria. In February 2025, Applicant's parents moved back to Syria from the United States. (Tr. 119) Her sister also moved to Syria in 2025. (Tr. 83, 114) About half of her parents' time is spent in Syria and the other half in the United States. (Tr. 96, 120) Her father has a business in the United States. Her parents are not employed in Syria. (Tr. 117) Her parents came to the United States before Applicant was born, and they are naturalized U.S. citizens. (Tr. 95-96) Her father owns a house in Syria, and the house is very

important to her father. (Tr. 83) Her father, mother, and sister all live in the same house in Syria. (Tr. 115) Her sister does not feel safe in Syria because of their religion and her gender. (Tr. 115) Her sister is considering moving back to the United States. (Tr. 116) In 2021, Applicant left Syria, and she has only returned once since then for three days. (Tr. 83) Applicant advised her parents that if they want to visit her, they must come to the United States because she does not want to visit Syria. (Tr. 84) She loves her parents, and she communicates with them on a weekly basis. (Tr. 117-118) She described her communications with her parents as follows:

While I maintain a weekly communication with my family, I never share with them any information related to my work. Since working in the humanitarian field, my family had no idea about the dangerous situation I worked in or the type of responsibilities I held. My family knows that I worked with the . . . Embassy [in UAE] . . . [but not] my exact working environment. My parents are old and simple village people. I only talk to them about happy things, maybe family gossip but never did I, or will I, trust/burden them with information that may put them or myself at any risk and consciously, I never worried about them being used to coerce or intimidate me into revealing classified information. My parents don't know that I have [initiated] a security clearance process. . . . I keep them on a need-to-know basis. (AE C at 5)

Applicant does not provide financial support to her parents. (Tr. 118) She decided that if someone tries to coerce her through the use of pressure on her parents, she will not give in to pressure. (Tr. 90)

SOR ¶ 1.c alleges Applicant's husband previously worked for the Syrian Government. He has been a journalist since 2003. (Tr. 19) He has covered multiple conflicts in the Middle East. (Tr. 19) He has a law degree from a Middle Eastern university. (Tr. 19) He wrote a master's degree thesis on the role of the U.S. Supreme Court in changing or modifying U.S. law to address social issues. (Tr. 22-23) He is very interested in U.S. constitutional issues. He has had professional contacts with numerous people over his journalist career including foreign intelligence officers. (Tr. 37) He left Syria in 2019, and only went to Syria once since 2019 for a three-day visit. (Tr. 84)

Applicant's husband has aunts and uncles living in Syria; however, he does not have a close relationship with them. (Tr. 60-62) His parents are deceased. (Tr. 124)

SOR ¶ 1.d alleges Applicant's husband owns an apartment in UAE with an approximate value of \$300,000 USD. In 2021, Applicant's husband purchased an apartment in UAE. (Tr. 36) The current value is about \$300,000, and the mortgage is about \$100,000. (Tr. 46, 83, 122) Applicant does not own any property in UAE. (Tr. 82)

SOR ¶ 1.e alleges Applicant's husband co-owns an apartment in Syria. In 2017, Applicant's husband's father died, and he and his siblings inherited an apartment. (Tr. 35, 44) The value of his share of the property is about 10 percent of his annual salary of about \$235,000. (Tr. 36, 40) His income in 2024 was about \$180,000. (Tr. 64) In 2019, he instructed his attorney to sell the property; however, title to the property has not

transferred to him and his siblings, and it cannot be sold at this time. (Tr. 35, 41) The apartment is not rented, and it does not generate any income. (Tr. 46) It is difficult to sell property in Syria; the property may be in an area where there is very little security or possibly conflict; and the situation relating to his property in Syria is unresolved. (Tr. 35, 40-43) Applicant does not own any other property in Syria. (Tr. 82)

SOR ¶ 1.f alleges from about May 2021 to at least February 2024, Applicant was employed at an embassy in UAE. SOR ¶ 1.g alleges Applicant held an official sensitive clearance while working in an embassy in UAE.

The embassy where she was employed in UAE is for a North Atlantic Treaty Organization country (NATO country) that is a close ally of the United States. Her embassy job related to law enforcement and control of illegal drugs. (Tr. 85) She was paid as a local national embassy employee and not as an employee of the NATO country. (Tr. 111) She had limited access to sensitive information because of the type of clearance she received. (Tr. 112) She has never been to the NATO country whose embassy employed her. (Tr. 113) Applicant quit her embassy job when she returned to the United States in 2024. (Tr. 77-78)

Applicant's husband came to the United States in May of 2023 with the intention of permanently living in the United States. (Tr. 48) After about eight months in the United States, his company asked him to move to UAE, which he did in about March of 2024. (Tr. 48-49) His company is based in the Middle East. (Tr. 64) The Middle Eastern company has a joint venture with a company based in the United States. (Tr. 65) He frequently returned to the United States from UAE. (Tr. 53) Applicant and her husband are renting an apartment in the United States. (Tr. 47, 50)

Applicant and her husband maintain bank accounts and an investment account in the United States. (Tr. 51-52) They do not own any real estate in the United States; however, they are considering purchase of a home. (Tr. 53) Their net worth in the United States is about \$120,000. (Tr. 63, 120) Applicant filed several U.S. federal income tax returns prior to 2023 when she was single and working outside the United States. In 2024 Applicant and her husband filed a U.S. federal income tax return for tax year (TY) 2023, and they owed and paid some federal income taxes. They intend to file a federal income tax return for TY 2024. (Tr. 54) Applicant and her husband's company is owned by a Middle Eastern company with branches or offices in about 16 countries. (Tr. 55-56) In 2024, their U.S. limited liability company (LLC) sold a product to a "platform in the Middle East." (Tr. 56) Their LLC's revenue in 2024 was less than \$20,000. (Tr. 58, 122) The role of the LLC is not alleged as a security concern in the SOR.

Character Evidence

Applicant's husband described her as reliable, honest, detail oriented, organized, consistent, punctual, trustworthy, professional, careful about maintaining security, brave, loyal, courteous, and responsible. (Tr. 23-38) She has excellent judgment and complies with rules and regulations. (Tr. 30-34) He recommended that she receive a security clearance. (Tr. 65) A coworker of Applicant's at the United Nations, four friends, and two

of her coworkers at the NATO country embassy in 2021 to 2024, described her as sensible, capable, reliable, diligent, trustworthy, intelligent, and professional. (AE D) The character evidence supports approval of her access to classified information.

Syria

Syria endured a long period of unrest after obtaining independence from France in 1946 until 1970, when Hafiz al-Assad seized power during a bloodless coup that brought political stability. Following the death of al-Assad, his son Bashar al-Assad was approved as president by popular referendum in 2000, and held office until December 8, 2024, when Syrian Islamist rebels captured the capital city of Damascus and overthrew the government. The former president and his family fled to Moscow, where they were granted political asylum. The situation in Syria is “rapidly evolving.”

To prevent ISIS from exploiting the current situation in Syria, U.S. Central Command forces conducted a precision airstrike on December 19, 2024, in the Dayr az Zaer Province of Syria, which killed ISIS leader Abu Yusif aka Mahmud.

The United States, however, had already established a military presence in the region with the founding of Combined Joint Task Force – Operation Inherent Resolve (CJTF-OIR) in 2014 to formalize ongoing military actions against the rising threat posed by ISIS in Iraq and Syria. To achieve its mission, CJTF-OIR works with vetted local partner forces in Syria, including the Syrian Democratic Forces (SDF) in northeast Syria and the Syrian Free Army (SFA) along the southeastern border. To that end, on September 24, 2024, a U.S. airstrike in northwestern Syria killed nine people, including the senior Hurras al-Din leader responsible for overseeing operations from Syria. And on September 16, 2024, U.S. forces struck a remote hideout in central Syria, killing at least 28 ISIS operatives, including at least four senior leaders.

The al-Assad rule of the Syrian Arab Republic was an authoritarian regime dominated by the Socialist Ba’ath Party which frequently engaged in an armed conflict with an armed Syrian opposition. Sources estimate that the conflict resulted in over 500,000 deaths with hundreds of thousands more wounded, unjustly detained, or forcibly disappeared. The conflict resulted in over 5.6 million registered Syrian refugees, and approximately 6.9 million people are displaced inside Syria, while 4.53 million remain in hard-to-reach and besieged areas. More than 14 million people in Syria need humanitarian assistance.

Regime-linked paramilitary groups reportedly engaged in frequent abuses, including massacres, indiscriminate killings, kidnapping of civilians, physical abuse, sexual violence, and unjust detentions. Regime-aligned militias and Russian and Iranian connected forces reportedly launched numerous attacks that killed and injured civilians and destroyed civilian infrastructure and property.

Significant human rights issues persist, including credible reports of: arbitrary or unlawful killings (including extrajudicial killings); enforced disappearance; torture and cruel, inhumane, or degrading treatment or punishment by the regime and/or its actors;

harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; punishment of family members for alleged offenses by a relative; serious restrictions on freedom of expression and media freedom; serious restrictions on internet freedom; substantial interference with the freedom of assembly; restrictions on freedom of movement; inability of citizens to change their government peacefully through fair elections; serious government corruption; trafficking in persons, including forced labor.

Designated in 1979 as a State Sponsor of Terrorism, Syria continued its political and military support to various terrorist groups. The regime continued to provide weapons and political support to Hizballah and continued to allow Iran to rearm and finance the terrorist organization. The Assad regime's relationship with Hizballah and Iran remained strong in 2023 as the regime continued to rely heavily on external actors Russia and Iran to fight opponents and secure territory. The U.S.-designated Islamic Revolutionary Guard Corps remains present and active in the country, and the regime remained a staunch defender of Iran's policies, while Iran exhibited equally energetic support for the Syrian regime. Syrian regime speeches and press releases often included statements supporting terrorist groups, particularly Hizballah, and vice versa.

Iran continues to provide support, funding, weapons, and training to its partners and proxies around the Middle East, including Lebanese Hizballah, the Huthis, and Iranian backed militias in Iraq and Syria, to demonstrate the efficacy of leveraging the "Axis of Resistance," a loose consortium of like-minded terrorist and militant actors.

Russia also seeks to project influence and power in the Middle East and Africa, relying on private military and security companies (PMSCs) to hide Moscow's hand in sensitive operations.

A U.S. Department of State Travel Advisory remains in effect for Syria at Level 4 – Do not travel to Syria due to terrorism, civil unrest, kidnapping, armed conflict, and risk of unjust detention. Syria has experienced active armed conflict since 2011 and the U.S. Embassy in Damascus suspended its operations in February 2012. No part of Syria is safe from violence. Kidnappings by armed groups, unjust arrests and/or detentions, the use of chemical warfare, shelling, and aerial bombardment of civilian centers pose significant risk of death or serious injury. The destruction of infrastructure, housing, medical facilities, schools, and power and water utilities has also increased hardships inside the country.

There is an ongoing risk of kidnapping and detentions of U.S. citizens and Westerners throughout the country. U.S. citizens remain a target. U.S. citizens are also targets of abduction and/or unjust detention by the Syrian government and while in detention do not have access to due process or medical attention.

On June 25, 2025, the President issued an Executive Order changing U.S. foreign policy toward Syria by terminating the Syria sanctions program to support the country's path to stability and peace. The Order resulted in the following actions:

(1) Removes sanctions on Syria while maintaining sanctions on Bashar al-Assad, his associates, human rights abusers, drug traffickers, persons linked to chemical weapons activities, ISIS or its affiliates, and Iranian proxies.

(2) Directs the Secretary of State to evaluate suspending sanctions, either in whole or in part if specific criteria are met, under the Caesar Act, a law that sanctions the Assad regime for atrocities.

(3) Permits the relaxation of export controls on certain goods and waives restrictions on certain foreign assistance to Syria.

(4) Directs the Secretary of State to review Hay'at Tahrir al-Sham's (HTS) designation as a Foreign Terrorist Organization.

(5) Directs the Secretary of State to review HTS and Ahmed al-Sharaa's designations as Specially Designated Global Terrorists.

(6) Directs the Secretary of State to review Syria's designation as a State Sponsor of Terrorism.

(7) Directs the Secretary of State to explore avenues for sanctions relief at the United Nations to support stability in Syria.

UAE

The UAE is a federation of seven semiautonomous emirates with a resident population of approximately 9.8 million, of whom an estimated 11 percent are citizens. The rulers of the seven emirates constitute the Federal Supreme Council, the country's highest legislative and executive body. The emirates are under patriarchal rule with political allegiance defined by loyalty to tribal leaders, leaders of the individual emirates, and leaders of the federation.

The U.S. Department of State has issued a Level 2 travel advisory for the UAE, encouraging U.S. nationals to exercise increased caution due to the threat of missile or drone attacks and terrorism. The possibility of attacks affecting U.S. citizens and interests in the Gulf and Arabian Peninsula remains an ongoing, serious concern. Militant groups operating in Yemen have stated an intent to attack neighboring countries, including the UAE, using missiles and drones. Missile and drone attacks in early 2022 targeted populated areas and civilian infrastructure. While residents and visitors generally find a safe and secure environment in the UAE, the country continues to face the threat of terrorism. Terrorists may attack with little or no warning, targeting tourist locations, transportation hubs, markets, shopping malls, and local government facilities.

The UAE advanced its counterterrorism (CT) efforts in 2023, particularly in international cooperation and countering terrorist financing. The UAE continued working closely with the United States, through the U.S. Department of Homeland Security, to improve its border security posture. The UAE led or was actively engaged in a range of

CT cooperation efforts within international, multilateral, and regional organizations and groupings that align with U.S. and like-minded policies.

Significant terrorist incidents in 2022 included these two:

On January 17 the Houthis attacked vital facilities in the UAE, using missiles and drones that set off explosions in the industrial Musaffah area near Abu Dhabi. The attack killed three persons and wounded six others. A separate strike caused a fire at the new terminal building under construction at Abu Dhabi International Airport, which briefly disrupted a small number of flights.

On February 2 the UAE Ministry of Defense announced on Twitter that it had intercepted three hostile drones in Emirati airspace, which were destroyed “away from populated areas.” The Iran-backed Iraqi militia group Righteous Promise Brigades (Alwiyat al-Wa’ad al-Haq) claimed responsibility for the attack in a letter published on social media.

Several human rights issues in UAE raised international concerns. Those issues are relatively insignificant in comparison to those in Syria.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance

decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

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

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

Analysis

Foreign Influence

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

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

AG ¶ 7 lists conditions that could raise a security concern and may be disqualifying in this case:

- (a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;
- (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology; and
- (f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

The record establishes the disqualifying conditions in AG ¶¶ 7(a), 7(b), and 7(f), requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying conditions is contained in the mitigation section, *infra*.

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

- (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;
- (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the 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;
- (c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;
- (d) the foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;

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

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

The Appeal Board in ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013) explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

Applicant's parents and sister are citizens and residents of Syria. Applicant communicates with them on a weekly basis. Her communications with them are unrelated to her work or employment. Her communications are casual. Applicant and her husband are citizens of Syria. Her relationships with her Syrian parents and sister are a security concern because they are subject to criminals, terrorists, and Syrian Government officials in Syria.

The Appeal Board has concluded that contact every two months or three months constitutes "frequent contact" under AG ¶¶ 7 and 8. ISCR Case No. 14-05986 at 3-4 (App. Bd. Oct. 14, 2016). See also ISCR Case No. 04-09541 at 2-3 (App. Bd. Sept. 26, 2006) (finding contacts with applicant's siblings once every four or five months not casual and infrequent and stating "The frequency with which Applicant speaks to his family members in Iran does not diminish the strength of his family ties.").

Frequency of communications with relatives in a foreign country is not the sole determinant of a foreign influence disqualifying condition. The Appeal Board addressed a case where an applicant had connections with a former Russian government official and a current Russian government official. See ISCR Case No. 19-02177 at 2 (App. Bd. Aug. 12, 2020). However, his communications with them were not recent and were infrequent, taking place "about once every one to two years with the last time being in 2017," which was three years before his security clearance hearing. *Id.* Nevertheless, the Appeal Board concluded these contacts were sufficient to raise a security concern and affirmed the denial of that applicant's security clearance. *Id.* at 2-3.

The issue under Guideline B is whether Applicant has ties or contacts with relatives in Syria, which raise security concerns because those ties and contacts create a potential vulnerability that criminals, terrorists, or Syrian Government officials could use to exploit to get unauthorized access to U.S. classified information that she has by virtue of a security clearance. Applicant may be vulnerable to influence or pressure exerted on, or through, her relatives in Syria.

The mere possession of close family ties with people living in a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if an applicant, his or her spouse, or someone sharing living quarters with them, has such a relationship with even one person living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See ISCR Case No. 08-02864 at 4-5 (App. Bd. Dec. 29, 2009) (discussing problematic visits of that applicant's father to Iran).

Not every foreign contact or tie presents the heightened risk under AG ¶ 7(a). The "heightened risk" denotes a risk greater than the normal risk inherent in having a family member living under a foreign government. The nature and strength of the ties and the country involved (i.e., the nature of its government, its relationship with the United States, and its human rights record) are relevant in assessing whether there is a likelihood of vulnerability to coercion. "[T]he nature of the foreign government involved, and the intelligence-gathering history of that government are among the important considerations that provide context for the other record evidence and must be brought to bear on the Judge's ultimate conclusions in the case. The country's human rights record is another important consideration." ISCR Case No. 16-02435 at 3 (App. Bd. May 15, 2018) (citing ISCR Case No. 15-00528 at 3 (App. Bd. Mar. 13, 2017)). Another important consideration is the nature of a nation's government's relationship with the United States. These factors are relevant in assessing the likelihood that an applicant's family members or friends living in that country are vulnerable to government coercion or inducement.

The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, the government ignores the rule of law including widely accepted civil liberties, a family member is associated with or dependent upon the government, the government is engaged in a counterinsurgency, terrorism causes a substantial amount of death or property damage, or the country is known to conduct intelligence collection operations against the United States. The relationship of Syria with the United States and the situations involving terrorists and insurgents in that country places a significant burden of persuasion on Applicant to demonstrate that her relationships with anyone living in or visiting Syria does not pose a security risk because of the risks due to terrorist activities in that country. Applicant should not be placed into a position where she might be forced to choose between the protection of classified information and concerns about assisting someone living in or visiting Syria.

International terrorist groups are known to conduct intelligence activities as effectively as capable state intelligence services, and Syria has a significant problem with terrorism and crime. Terrorists in Syria are hostile to the United States. In the last 12 months U.S. airstrikes have killed terrorists in Syria. Applicant's relatives living in Syria

“could be a means through which Applicant comes to the attention of those who seek U.S. information or technology and who would attempt to exert coercion upon him.” ADP Case No. 14-01655 at 3 (App. Bd. Dec. 9, 2015) (citing ISCR Case No. 14-02950 at 3 (App. Bd. May 14, 2015)).

Applicant’s relationships with relatives who are living in Syria or visiting Syria create a potential conflict of interest because terrorists, criminals, or Syrian Government officials could place pressure on them to cause Applicant to compromise classified information. Approval of a security clearance for Applicant increases the risk that they could be targeted to put pressure on Applicant to provide classified information. Those relationships create “a heightened risk of foreign inducement, manipulation, pressure, or coercion” under AG ¶ 7.

A key factor in the AG ¶ 8(b) analysis is Applicant’s “deep and longstanding relationships and loyalties in the U.S.” Her relationship with the United States must be weighed against the potential conflict of interest created by her connections to Syria. In 1985, she was born in Syria. In 1996, she left Syria and came to the United States. Around 1998 when she was 13 years old, she became a U.S. citizen. From about 1999 to 2003, she lived in Syria. From 2003 to 2007, she attended a university in Syria, and she received a law degree. In 2007, she returned to the United States. From 2009 to 2011, she attended a U.S. university, and she received a master’s degree in public policy and economics. When she was not living in the United States, she spent her summers in the United States, and she spent the rest of the time in Syria. Applicant lived and worked in Syria from 2012 to 2021 (nine years). From about 2021 to about 2024, she lived in UAE. She moved to the United States in May 2024. She frequently visited the United States throughout her years living in the Middle East.

These factors are balanced against the security concerns outlined in the SOR. Applicant’s access to classified information could add risk to her relatives in Syria. There is no allegation that she would choose to help the terrorists against the interests of the United States. A Guideline B adjudication is not a judgment on an applicant’s character or loyalty to the United States. It is a determination as to whether an applicant’s circumstances foreseeably present a security risk. See ISCR Case No. 19-00831 at 5 (App. Bd. July 29, 2020). The concern here pertains to the risk to her relatives living in Syria and how that risk could be used to coerce Applicant. It does not relate to her loyalty or patriotism to the United States.

Applicant’s spouse is a citizen of Syria. In January 2025, Applicant’s husband was approved to be a U.S. permanent resident. He previously worked for the Syrian Government; however, he ended his Syrian Government employment when he became a journalist at least 10 years ago, and there is no evidence of recent communications with Syrian Government officials. SOR ¶¶ 1.a and 1.c are mitigated under AG ¶ 8(a) because he has limited **current** connections to Syria, and “it is unlikely [her husband can be used to place her] in a position of having to choose between the interests of [the Syrian Government] and the interests of the United States.”

The facts in ISCR Case No. 08-02864 (App. Bd. Dec. 29, 2009) involved an Applicant who owned “German real property, valued at over 700,000 Euros, and his German bank account, valued at around 6,000 Euros.” The Appeal Board at 4 said:

Given record evidence of Applicant’s ties to that country, it is foreseeable that this interest could be a means through which Applicant could be subjected to foreign influence. See ISCR Case No. 07-06364 at 2 (App. Bd. May 28, 2008) (“Applicant’s Egyptian holdings, which include a condominium valued at \$170,000 and a bank account worth \$100,000, must be considered substantial and could subject Applicant to heightened risk of foreign influence or exploitation[.]”) See also ISCR Case No. 08-04488 at 4 (App. Bd. Apr. 23, 2009) (In a Guideline B case the Government is not required to prove affirmatively that a country specifically targets U.S. citizens in order to gather protected information. The “heightened risk” language in the Guideline addresses an applicant’s contacts, not necessarily the country in which the contact is located). Under the facts of this case, Applicants’ circumstances are sufficient to establish FCDC 7(e).

Applicant admitted her husband owns an apartment in UAE with an approximate value of \$300,000 USD. The mortgage is about \$100,000. The magnitude of the equity in the property of about \$200,000 is sufficient to establish a security concern under AG ¶ 7(f). While the likelihood of exploitation or coercion in UAE is relatively low it is nevertheless “foreseeable” under ISCR Case No. 08-02864 at 4 (App. Bd. Dec. 29, 2009). The magnitude of her husband’s equity results in a conflict of interest and could be used to effectively pressure Applicant and her husband. SOR ¶ 1.d is not mitigated.

Applicant’s husband co-owns an apartment in Syria. His share of the property is valued at about \$20,000. This magnitude of the value is insufficient in light of his overall net worth of about \$320,000 and annual income of about \$200,000 for the last two years. As such, it is “unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure” Applicant or her spouse. SOR ¶ 1.e is mitigated under AG ¶ 8(f).

From about May 2021 to at least February 2024, Applicant was employed at a NATO country’s embassy in UAE. She held an official sensitive clearance while working for the NATO country’s embassy in UAE. The NATO country has not been in contact with Applicant since she left employment at the embassy in February 2024. She has never been to the NATO country. She has no relationship with the NATO country. None of her close relatives live in the NATO country. SOR ¶¶ 1.f and 1.g are mitigated under AG 8(a) because she has no current connections to NATO country, and “it is unlikely [he] will be placed in a position of having to choose between the interests of [the NATO country] and the interests of the United States.”

Applicant is a U.S. citizen. She received a master’s degree in the United States. Her father has a business in the United States. She currently lives in the United States. She and her husband have total investments in the United States of about \$120,000. She travels with a U.S. passport. She seeks employment with a company with a relationship with the U.S. government. She expressed her intention to permanently reside in the

United States. However, her connections to the United States, taken together, are insufficient to overcome the foreign influence security concerns under Guideline B for SOR ¶¶ 1.b and 1.d.

Outside Activities

AG ¶ 36 explains “[i]nvolvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual’s security responsibilities and could create an increased risk of unauthorized disclosure of classified or sensitive information.”

AG ¶ 37 lists conditions that could raise a security concern and may be disqualifying in this case:

- (a) any employment or service, whether compensated or volunteer, with:
 - (1) the government of a foreign country;
 - (2) any foreign national, organization, or other entity;
 - (3) a representative of any foreign interest; and
 - (4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology; and
- (b) failure to report or fully disclose an outside activity when this is required.

The record establishes the disqualifying condition in AG ¶¶ 37(a)(1), requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying condition is contained in the mitigation section, *infra*.

AG ¶ 38 lists conditions that could mitigate security concerns as follows:

- (a) evaluation of the outside employment or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual’s security responsibilities or with the national security interests of the United States; and
- (b) the individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities.

As indicated previously Applicant worked in a NATO country’s embassy in UAE from about May 2021 to February 2024. She held an official sensitive clearance while working for that embassy. She has never been to the NATO country. She has no

relationship with the NATO country. SOR ¶ 2.a is mitigated under AG ¶ 38(b). Outside activities security concerns are mitigated.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

Under AG ¶ 2(c), “[t]he ultimate determination” of whether to grant a security clearance “must be an overall commonsense judgment based upon careful consideration of the guidelines” and the whole-person concept. My comments under Guidelines B and L are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is a naturalized U.S. citizen. She was awarded a master's degree in the United States. Her primary focus has been helping children in a hostile conflict environment. Her parents are U.S. citizens, and her husband is a U.S. permanent resident. She intends to permanently settle in the United States. Her humanitarian employment and support of peace warrants high praise.

Applicant's husband credibly described her as reliable, honest, detail oriented, organized, consistent, punctual, trustworthy, professional, careful about maintaining security, brave, loyal, courteous, and responsible. She has excellent judgment and complies with rules and regulations. He recommended that she receive a security clearance. Three former coworkers and four friends described her as sensible, capable, reliable, diligent, trustworthy, intelligent, and professional. The character evidence supports approval of her access to classified information.

Syria is an exceptionally dangerous place because of violence from terrorists and criminals. The civil war in Syria is relatively recent. About 500,000 people were killed in the Syrian war in the past 15 years. Millions of Syrians were displaced. The United States has used air strikes to kill terrorists in Syria in the previous 12 months. A U.S. Department of State Travel Advisory remains in effect for Syria at Level 4. Terrorists continue to threaten the interests of the United States, and those who cooperate and assist the United States. The Syrian Government has recently changed; the United States has lifted

sanctions against Syria; and the President is attempting to begin a more positive relationship with the Syrian Government and people.

Applicant has important connections to the United States as discussed in the statement of facts and analysis sections. She has made a strong and credible commitment to her future in the United States. However, her connections to the United States are insufficient at this time to fully mitigate Guideline B security concerns.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence to the facts and circumstances in the context of the whole person. Applicant mitigated outside activities security concerns; however, she failed to mitigate foreign influence security concerns.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. In the future, her connections to Syria may be reduced, and she may gain additional connections to the United States. Her husband may sell his property in UAE. In the future, she may well be able to demonstrate persuasive evidence of her security clearance worthiness.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline B:

AGAINST APPLICANT

Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	Against Applicant
Subparagraphs 1.e, 1.f, and 1.g:	For Applicant

Paragraph 2, Guideline L:

FOR APPLICANT

Subparagraph 2.a:	For Applicant
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Conclusion

Considering all of the circumstances in this case, it is not clearly consistent with the interests of national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Mark Harvey
Administrative Judge