

SYNOPSIS

Applicant, a native of the Republic of China (Taiwan), immigrated to the U.S. with his parents and siblings when he was 15. He became a naturalized U.S. citizen in April 2002. Foreign Influence concerns raised by the Taiwanese citizenship of his fiancée, grandparents, and other extended family members, are mitigated by his significant ties to the U.S. Applicant did not disclose on his August 2005 security clearance application (e-QIP) that he had held a valid Taiwanese passport that expired in September 2000, but Personal Conduct concerns are not established because he thought it had expired more than seven years before he applied for his clearance. Clearance is granted.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant. As required by Department of Defense Directive 5220.6, ¶ E3.1.2 (Jan. 2, 1992), as amended, DOHA issued a Statement of Reasons (SOR) on February 9, 2007, detailing the basis for its decision—security concerns raised under Guideline B (Foreign Influence) and Guideline E (Personal Conduct) of the revised Adjudicative Guidelines (AG) issued on December 29, 2005, and implemented by the Department of Defense effective September 1, 2006. The revised guidelines were provided to Applicant when the SOR was issued. Applicant answered the SOR on February 21, 2007, and elected to have a hearing before an administrative judge.

The case was assigned to me on May 14, 2007, and I convened a hearing on June 20, 2007, to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. Two government exhibits (Ex. 1-2) and eight Applicant exhibits (Ex. A-H) were admitted, and testimony was taken from Applicant and four witnesses on his behalf. A transcript (Tr.) of the hearing was received on July 2, 2007.

RULINGS ON PROCEDURE

On May 4, 2007, the government requested the assigned administrative judge take administrative notice of several proposed facts concerning Taiwan and the People's Republic of China (PRC or China). Authority to consider the government's request is set forth in ¶ E3.1.10 of Department of Defense Directive 5220.6 (*The Administrative Judge may rule on questions of procedure, discovery, and evidence and shall conduct all proceedings in a fair, timely, and orderly manner.*). On May 24, 2007, I ordered Applicant to file any objections and/or propose alternative facts for administrative notice by June 8, 2007. Applicant filed no response by the due date, but confirmed at his hearing that he had no objection to my taking administrative notice. Before the introduction of any evidence at the hearing, I allowed the government, with no objection from

¹Applicant presented his case with the assistance of a coworker, who entered his appearance as a personal representative.

Applicant, to amend its request for administrative notice to indicate that Taiwan has “significant economic ties to China” in lieu of Taiwan “retains close ties to China.”

The DOHA Appeal Board has ruled that administrative or official notice in administrative proceedings is broader than judicial notice under the Federal Rules of Evidence. In ISCR Case No. 02-24875 (decided Oct. 12, 2006), the Appeal Board found no error by a DOHA administrative judge who took administrative notice of a U.S. State Department Country Report, as the document was an official U.S. government report relevant to the issues in the case before him, and it was provided in advance to the applicant who had an opportunity to rebut its contents or to present alternative information for the judge to notice.

Applicant filed no objection to the proposed facts for administrative notice, but this does not relieve me of the responsibility to determine whether the proposed facts are proper for administrative notice, *i.e.*, easily verifiable by an authorized source and relevant and material to the case before me. For source documentation the government relied on publications of the Department of State;² the Congressional Research Service;³ the Centre for Counterintelligence and Security Studies;⁴ the National Counterintelligence Center, now known as the Office of the National Counterintelligence Executive;⁵ a Select Committee of the United States House of Representatives;⁶ two press releases reportedly from the U.S. Department of Justice;⁷ and records of the U.S. District Court for the Eastern District of Virginia.⁸

²See *Background Note: Taiwan*, dated October 2006 (I), *Background Note: China*, dated January 2007 (VIII), *China: Country Reports on Human Rights Practices-2006*, dated March 6, 2007 (IX), and *Consular Information Sheet on China*, dated March 19, 2007 (XII).

³See *Taiwan: Recent Developments and U.S. Policy Choices*, dated October 9, 2006 (II).

⁴See *Intelligence Threat Handbook*, excerpts, dated June 2004 (III). The document was prepared for the Interagency OPSEC Support Staff by the Center for Counterintelligence and Security Studies, a private contractor.

⁵See *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage, 2000* (VII) and *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage, 2005* (XI).

⁶See *U.S. National Security and Military/Commercial Concerns with the People's Republic of China*, declassified version dated January 3, 1999 (X).

⁷The press releases (IV) and (V) were presented apparently to substantiate that Taiwan actively pursues collection of U.S. economic and propriety information. Neither case involves Applicant personally. The April 18, 2006, press release (IV) concerns the sentencing of a U.S. citizen for conspiring to commit trade secret theft between December 1999 and December 2001 to the benefit of a corporation based in Taiwan. There is no evidence of that Taiwan's government was involved in, or sanctioned the criminal activity. The January 22, 2007 (V) press release concerns the sentencing of a former U.S. State Department official for, in part, making false statements to the government concerning his relationship with a female Taiwanese intelligence officer and by not reporting that he had traveled to Taiwan where he met with the foreign intelligence officer.

⁸See U.S. District Court Eastern District of Virginia, Statement of Facts, dated December 12, 2005 (VI). The court records do not pertain to any criminal charge against Applicant.

After weighing the reliability of the source documentation and assessing the relevancy and materiality of the facts proposed by the parties, I took administrative notice of certain facts as set forth below.⁹

FINDINGS OF FACT

DOHA alleged under Guideline B that Applicant's fiancée was a resident citizen of Taiwan seeking lawful admission to the U.S. (§ 1.a), that his grandparents and other extended family members were resident citizens of Taiwan (§ 1.b), that Applicant traveled to Taiwan in 2002, 2003, and 2004 (§ 1.c), and that Applicant met his fiancée in Japan in 2006 instead of in Taiwan because he is subject to compulsory military service in Taiwan (§ 1.d). Under Guideline E, Applicant was alleged to have falsified material facts on his August 2005 security clearance application (e-QIP) when he denied that he had held a Taiwanese passport in the last seven years (§ 2.a).

In his Answer, Applicant admitted the Taiwanese residency and citizenship of his fiancée and family members, as well as his trips to Taiwan and Japan on his U.S. passport. He averred that when he applied to renounce his Taiwanese citizenship, he learned that he could be detained in Taiwan to fulfill his military service obligation, even if he entered with his U.S. passport. Not wanting to risk the possibility of being held in Taiwan for 16 months, Applicant elected to meet his fiancée in Japan rather than in Taiwan. Applicant denied deliberate falsification of his e-QIP, explaining that he believed his passport had been expired for more than seven years. Uncertain of the location of the passport or its expiration date when he first filled out his e-QIP, Applicant thought it had expired a long time ago and he was advised by a company security official to answer the inquiry to the best of his knowledge.

After a thorough review of the pleadings, exhibits, and transcript, and having agreed to take administrative notice, I make the following findings of fact:

Applicant's Background and Foreign Ties

Applicant was born in Taiwan in October 1979. His father sold dried seafood. In June 1995, Applicant immigrated to the U.S. with his parents and siblings, two brothers born in 1990 and 1994 and a sister born in 1978. Their U.S. immigration was sponsored by his father's eldest sister who had married a U.S. serviceman. Applicant entered the U.S. on a Taiwanese passport issued to him on September 22, 1994. The passport was valid until September 22, 2000.

Applicant entered ninth grade in the local public school knowing little to no English but with an aptitude for mathematics. With the support of a math teacher, he learned English through reading math texts and other similar subjects of interest to him. In 1996, he began working at a local

⁹The criminal wrongdoing of other U.S. citizens is of questionable relevance to an assessment of Applicant's security suitability. The only matter of arguably some relevance is that involving the U.S. State Department official where a Taiwanese intelligence official was implicated, but there is no indication that Applicant has ever been targeted. Concerning the Taiwanese company's attempt to acquire sensitive commercial information for competitive advantage (IV), there is no indication of any government sponsorship, approval, or involvement. The company is viewed as a criminal actor similar to individuals who choose to violate the law.

supermarket part-time to earn money, initially as a bagger. After he graduated in June 2000, he went on to college, transferring after his freshman year to the state's polytechnic university. Applicant continued to work at the store stocking shelves during the summers and holidays while pursuing his bachelor's degree.

In April 2002, Applicant took the oath of U.S. naturalization, vowing to renounce all foreign allegiances, to support and defend the U.S. Constitution and its laws, and to bear arms or perform noncombatant service or civilian service on behalf of the U.S. if required. Applicant considered himself to be a citizen solely of the U.S. because he had renounced all allegiances to any foreign entity, including Taiwan. He made no effort to determine the effect of his acquisition of U.S. citizenship on his Taiwanese citizenship. On April 29, 2002, he was issued his U.S. passport that is scheduled to expire on April 28, 2012. Applicant traveled to Taiwan on his U.S. passport from June 14, 2002 to July 9, 2002, from January 1, 2003 to January 13, 2003, from January 1, 2004 to January 14, 2004, and from May 28, 2004 to June 23, 2004.

From December 2003 to May 2005, Applicant worked as a graduate teaching assistant in the university's mathematics department. In about May 2005, Applicant was awarded his master of science degree in applied mathematics. Applicant started working for his current employer as a systems engineer II in July 2005. Before his first day on the job, Applicant was given a security clearance application to complete at home. Not sure if he had dual citizenship with Taiwan and the U.S. or of the date his Taiwanese passport expired, Applicant did not answer the questions of dual citizenship or possession of a foreign passport within the last seven years. When asked by a company security officer about his dual citizenship, Applicant responded that the U.S. considered him a U.S. citizen, but that Taiwan could still consider him a citizen of Taiwan. As for his Taiwanese passport, Applicant indicated that he did not know of its location. Although he believed the passport had expired a long time ago, he told her he did not know whether it was seven years in the past. She advised him to answer "No" to dual citizenship, and to respond on the passport issue to the best of his knowledge and belief. Applicant answered "No" to whether he had a foreign passport within the last seven years.¹⁰

After he submitted his clearance application to his employer, Applicant contacted U.S. immigration and was advised that he was considered a dual citizen by the U.S. Applicant went to the Taipei Economic and Cultural Office (TECO) to formally renounce his Taiwanese citizenship. He was told to return with his Taiwanese passport or apply for a new one. Believing that acquiring a new Taiwanese passport would raise security concerns, Applicant searched for his passport. On July 27, 2005, the day after he found his Taiwanese passport, he applied to renounce his Taiwanese citizenship, and surrendered his expired Taiwanese passport to a TECO official. Applicant did not make a copy of the Taiwanese passport or note the date of its expiration.

In mid-August 2005, Applicant was asked at work to submit another security clearance application in a new format. Applicant listed his dual citizenship with Taiwan and the U.S. and his foreign travel to Taiwan, but responded "No" to question 17 d. "In the last 7 years, have you had an active passport that was issued by a foreign government?" on an Electronic Questionnaires for Investigations Processing (e-QIP) signed by him on August 16, 2005. Applicant believed his foreign

¹⁰This initial security clearance application was not available for my review. There is no evidence that it was ever forwarded to the government.

passport had expired more than seven years ago. Applicant was granted an interim secret clearance for his duties on an air defense radar program in December 2005.

In late 2005/early 2006, Applicant's Taiwanese passport was stamped expired and returned to him with his application to renounce citizenship. His application was denied because he had not fulfilled his compulsory military service obligation in Taiwan. Since he turned 16 the year he emigrated from Taiwan, he was not eligible for an exemption from the military service requirement, and could be detained if he went to Taiwan, even on his U.S. passport, for up to 16 months until he complied with his military service obligation.

On February 23, 2006, Applicant was interviewed by an authorized investigator for the Department of Defense. Applicant informed the investigator that he had held a Taiwanese passport that had expired, and that he had tried unsuccessfully to renounce his Taiwanese citizenship.

In about September 2005, Applicant started corresponding with a Taiwanese national whom his mother had met while she was in Taiwan. After a year of telephone contact, Applicant met this female for the first time in Japan in September 2006. Applicant paid for her to travel from Taiwan to Japan as he did not want to risk being detained in Taiwan for military service and potentially jeopardize his U.S. citizenship. Applicant and this female friend joined a travel group and spent five days together in Japan, from September 28 to October 2, 2006.

Following that trip, they decided to get married. She quit her job as a factory worker for an electronics company in Taiwan in October 2006 so she could take English lessons. Applicant gave her some money intended to pay for the English classes, although it was a gift so she could do with it what she pleased. In December 2006, Applicant went to Japan a second time to see his fiancée and meet some members of her family. Applicant again paid for her travel to Japan, but did not cover the expenses of family members who accompanied her (her older sister and sister's husband, her younger sister, and a cousin). They all joined a travel group and spent five days together before her relatives returned to Taiwan. Applicant and his fiancée spent five more days together in Tokyo. Applicant completed a I-129F petition for U.S. immigration of his fiancée, which was received by U.S. immigration on December 21, 2006.

Applicant informed the facility security officer (FSO) at work about his engagement to the Taiwanese citizen, and he was briefed as to additional concerns of foreign influence his engagement created. In January 2007, DOHA furnished foreign influence interrogatories to Applicant, asking him to provide certified copies of his most recent Taiwanese and U.S. passports, and to update his foreign travel, if any. In his response, Applicant denied that he had taken any action to renew his Taiwanese passport and any intent to renew it. He reported his travel to Japan to meet with his fiancée and, during the trip in December 2006, also some of her relatives. Applicant explained that he could not risk a trip to Taiwan because of the military service issue, and that he understood his responsibilities to report to his security office any attempt by a foreign government to use threats against his family or fiancée's family to obtain information. Applicant furnished DOHA with copies of his passports as of January 18, 2007, the application for a fiancée visa, his fiancée's biographical information, and a letter confirming that he had shredded his Taiwanese passport in the presence of his FSO on January 25, 2007.

Applicant's interim secret clearance was withdrawn in about November 2006, and he was removed from the program where he had been working because it was classified. In his two years on the job, Applicant had met his employer's expectations and had proven to be an extremely dedicated worker, spending long hours and weekends to ensure flight test success, and diligent in following security procedures. Although it was a challenge to find unclassified work for Applicant to perform in the environment in which he operated, a team leader felt it was worth it to find unclassified duties for Applicant. A flight test lead gave Applicant "as good a review as [he] can write."

Applicant's application for a fiancée visa was granted and she joined Applicant in the U.S. in mid-April 2007. Applicant informed his fiancée he cannot travel to Taiwan as long as he is subject to conscription into Taiwan's military. As of June 2007, they had not married but were planning a civil ceremony for early July, as her visa is only valid for 90 days. She has agreed to renounce her Taiwanese citizenship and to acquire U.S. citizenship as soon as she is eligible.

All of Applicant's financial assets are in the U.S. He has four bank accounts, as well as retirement fund and stock accounts valued at about \$40,000 total.

Applicant's parents and siblings are naturalized U.S. citizens who have not formally renounced their Taiwanese citizenship. His father is on the kitchen staff at a local university and works at a restaurant at night. His mother does not work outside the home. Applicant's brothers are still minors who live at home with his parents. Applicant's sister is attending a university in the U.S. Applicant's maternal grandmother and his paternal grandparents are resident citizens of Taiwan. His maternal grandfather died about a year ago. Applicant does not have a close personal relationship with his mother's family. He stayed with his paternal grandparents on three of his four trips to Taiwan. His paternal grandparents sold sewing machines before they retired. Applicant telephones them two to three times per year (birthday and Chinese New Year). Applicant stayed with a friend from elementary school on his trip to Taiwan in 2003. Applicant's contacts with this friend are limited to electronic mail two or three times a year. To Applicant's knowledge, this friend works in a bank. Applicant has a paternal uncle who is a professor of biochemistry at a private university in Taiwan. Applicant does not have any ongoing contact with this uncle whose sons are both U.S. resident citizens.

Applicant's fiancée's parents and siblings are resident citizens of Taiwan. Her parents are farmers. The elder of her sisters is a part-time seamstress married to a manager of a leather factory. The younger sister works in a department store. On Applicant's advice, his fiancée has told her family members that he is an engineer but not that his duties are defense-related. Applicant's fiancée calls her parents about once a week, which is down from the five times weekly when she first arrived.

I take administrative notice of the following adjudicative facts. The government of Taiwan is a multi-party democracy. The United States recognizes that there is only one China, that the government of the PRC is the sole legal government of China, and that Taiwan is part of China. Nonetheless, under the Taiwan Relations Act of 1979, the U.S. conducts unofficial relations with Taiwan. Although the U.S. terminated its Mutual Defense Treaty, it has continued to sell appropriate military defensive material to Taiwan. The PRC has surpassed the U.S. as Taiwan's most important trading partner, but Taiwan maintains a large military establishment whose primary mission is the

defense of Taiwan against the PRC, which is seen as the predominant threat and has not renounced the use of force against Taiwan. It is U.S. policy that the resolution of disputes between Taiwan and China be peaceful. Taiwan is a major international trading power and a member of the World Trade Organization. It enjoys normal trade relations with the U.S., and ready access to U.S. markets. The U.S. State Department reports that Taiwan has taken dramatic steps to improve respect for human rights and create a democratic political system since ending martial law. In the past, organizations in Taiwan employed unlawful methods to obtain U.S. economic and intelligence information.

POLICIES

“[N]o 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 occupy a position . . . that will give that person access to such information.” *Id.* at 527. The President authorized the Secretary of Defense or his designee to grant applicants 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). 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 revised Adjudicative Guidelines set forth potentially disqualifying conditions (DC) and mitigating conditions (MC) under each guideline. In evaluating the security worthiness of an applicant, the administrative judge must also assess the adjudicative process factors listed in ¶ 6.3 of the Directive. The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of the applicant. *See* Exec. Or. 10865 § 7. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

CONCLUSIONS

Guideline B—Foreign Influence

Under Guideline B, Foreign Influence, *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 to whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.* (AG ¶ 6).

Applicant is engaged to wed a Taiwanese citizen who has been in the U.S. since April 2007 on a 90-day fiancée visa. Applicant’s paternal grandparents are resident citizens of Taiwan, and Applicant stayed with them when he went to Taiwan in 2002 and twice in 2004. Under AG ¶ 7(a),

foreign influence concerns are raised by *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*. DC ¶ 7(a) applies because of the close bonds Applicant shares with his fiancée and grandparents, all Taiwanese citizens, which place him at a heightened risk of being manipulated or improperly influenced. Disqualifying condition ¶ 7(d), *sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion*, also applies. While the risk is lessened somewhat by her move to the U.S., his fiancée has been in the U.S. only a few months, is unfamiliar with the culture, and knows little of the English language. Understandably, she remains close to her family in Taiwan and likely relies on them for emotional support. She contacted them about five times a week when she first arrived, although the frequency of her contact with them is now once weekly.

The government also alleged Applicant's travels to Taiwan and to Japan to meet his fiancée to avoid possible military conscription in Taiwan raised security concerns. Absent any evidence that Applicant engaged in conduct while traveling abroad that could make him vulnerable to exploitation, pressure or coercion (*see* DC 7(i)), his travel is not disqualifying in itself but is relevant to assessing the strength of his ties to his grandparents and fiancée.

The personal bonds between Applicant and his fiancée certainly, but also between Applicant and his paternal grandparents, are too strong to satisfy the first prong of mitigating condition ¶ 8(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 interest of a foreign individual, group, organization, or government and the interests of the U.S.* Although Applicant's contact with his paternal grandparents is limited to two or three times yearly on birthdays and Chinese New Year, it is not casual. He testified that if he were to go to Taiwan, he would make an effort to visit them, and to meet his fiancée's parents. (Tr. 97)

The risk of Applicant being placed in a position where he would have to choose between them and the U.S. is diminished somewhat by the fact that Taiwan does not have a hostile relationship with the U.S., and is not known to sponsor terrorism. Taiwan has a defense pact with the U.S., and has made considerable progress in achieving democratic elections, civil liberties, and stable, viable governmental institutions. Almost all restrictions on the press have ended, restrictions on personal freedoms have been relaxed, and the prohibition against organizing new political parties has been lifted. While the U.S. does not support independence for Taiwan and is committed to a one-China policy, under the Taiwan Relations Act, the U.S. is obligated to help Taiwan defend itself, including making available defensive arms and defensive services to Taiwan. Although the PRC is Taiwan's largest trading power, U.S. commercial ties with Taiwan have been maintained and expanded since 1979, and Taiwan is not likely to jeopardize its relationship with the U.S. by overly pressuring its citizens.¹¹

¹¹Concerns of a heightened risk of improper influence from the PRC were not alleged in the SOR but argued in the request for administrative notice. There is no evidence Applicant has ever traveled to the PRC, or that he intends to do so. Despite the increasing economic ties between the PRC and Taiwan, the PRC is not likely to be permitted to operate with impunity in Taiwan. Taiwan's own national security remains under constant threat from the PRC. Assuming the PRC is engaged in active intelligence gathering against Taiwan within Taiwan's borders, Applicant's and his

However, even nations with a history of friendly relations do not always have the same interests. Yet, there is nothing about the positions or activities of Applicant's fiancée, of her family members in Taiwan, or of Applicant's grandparents that would implicate military, intelligence, or security interests and increase the likelihood of them being targeted. Applicant's fiancée is no longer within the physical reach of Taiwanese authorities. When she was in Taiwan, she worked on an assembly line in a privately-owned electronics factory. Her parents are farmers. One sister works part-time as a seamstress, the other as a department store manager. Before their retirements, Applicant's grandparents sold sewing machines. The only relative with a position of some visibility in Taiwan is a paternal uncle who is a professor of biochemistry at a private university in Taiwan, but Applicant has no ongoing contact with this uncle.

In the event Applicant was to find himself in a position of having to choose between the interests of these foreign family members and the interests of the U.S., several factors lead me to conclude that Applicant can be expected to resolve any conflict of interest in favor of the U.S. (¶ 8(b), *there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest*). Applicant has lived continuously in the U.S. and been exposed to cultural and peer influences in the U.S. since he was 15. He testified credibly to a personal sense of gratitude for his college education in the U.S., financed in part by grants. When he acquired his U.S. citizenship, he thought of himself solely as a U.S. citizen, and consistent with that citizenship, traveled on his U.S. passport to Taiwan. He made no effort to renew his Taiwanese passport. After he learned that the U.S. considered him a dual citizen, he attempted to renounce his Taiwanese citizenship. Told that he could be detained when in Taiwan for up to 16 months to complete compulsory military service, he arranged to meet his fiancée in Japan and intends to not return to Taiwan as long as he is subject to this service obligation. Applicant held an interim secret clearance until about November 2006, pending final adjudication of his clearance, and he proved trustworthy and reliable in following all security procedures. Sensitive to his obligation to protect U.S. interests, Applicant apprised his employer of his engagement to a Taiwanese citizen, and he has been briefed several times as to the potential risks of foreign influence. He understands and is willing to comply with his reporting requirement (*see* ¶ 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*).

Guideline E—Personal Conduct

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. (AG ¶ 15) Applicant did not disclose on his August 2005 e-QIP that he had held a valid Taiwanese passport until September 2000. He testified to a belief that it had expired more than seven years before he completed his clearance application. The evidence shows that Applicant, who had not used that foreign passport since he entered the U.S. at age 15, was unaware of the location of his Taiwanese passport when he was asked to complete his

fiancée's family members are not in positions where they are likely to be targeted by the PRC.

first security clearance application in July 2005. Before he filled out the e-QIP of record in August 2005, he located his passport and gave it to the TECO with his application to renounce citizenship on July 27, 2005. He had done what he thought was consistent with his U.S. citizenship, and did not realize that he would need a copy. Given the date of the passport's expiration had been an issue when he filled out his initial security clearance application, it is more difficult to understand why he would not have noted the expiration date, to check whether he had filled out his clearance application correctly if nothing else, before he surrendered his passport to TECO. Yet, he also did not know as of July 27, 2005, that he would have to submit another security clearance application. Given he corrected his answer regarding his dual citizenship and revealed his travels to Taiwan (all on his U.S. passport) when he completed his August 2005 e-QIP, he would have had little to gain by failing to disclose that he had held a Taiwanese passport expired since September 2000. Under the circumstances, his denial of any intentional falsification is accepted as credible. Accordingly, none of the disqualifying conditions are pertinent.

Whole Person Analysis

The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance. (AG ¶ 2(a).) Although the risk of undue foreign influence cannot be completely ruled out because of his close relationships with citizens of Taiwan (¶ 2(a)(1), *the nature, extent, and seriousness of the conduct*), Applicant has shown that he can be counted on to fulfill his fiduciary obligations to the U.S. He was trusted by his employer with access to a classified program and did not disappoint. He has been forthright about his foreign ties with his employer, and as a consequence, is aware of his reporting obligations should any foreign person, entity, or organization exert any pressure because of, or through, these foreign connections. Given his reputation for honesty and his dedication, attested to by a former mentor who has known him since he came to the U.S. at age 15, and by coworkers familiar with his work over the past two years, Applicant is not likely to do anything to jeopardize U.S. interests.

FORMAL FINDINGS

The following are my conclusions as to each allegation in the SOR:

Paragraph 1. Guideline B:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Paragraph 2. Guideline E:	FOR APPLICANT
Subparagraph 2.a:	For Applicant

DECISION

In light of all of the circumstances in this case, it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is granted.

Elizabeth M. Matchinski
Administrative Judge