

# Foreign Influence

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## ***Relevance to Security***

The adjudicative guideline specifies that foreign contacts and interests may be a security concern under the following circumstances:

- The individual "has divided loyalties or foreign financial interests." This is discussed below under [Divided Loyalties and Competing Identities](#).
- The individual "may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests." This is discussed below under [Vulnerable to Influence or Manipulation](#).

- The individual "is vulnerable to pressure or coercion by any foreign interest." This is discussed below under [Vulnerable to Pressure or Coercion](#).

The adjudicative guideline also states that "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 American citizens to obtain protected information or is associated with a risk of terrorism." This is discussed below under [Foreign Threats](#).

The frequency of foreign influence issues has been increasing for many years for the following reasons:

- Changes in the U.S. Population: The total foreign-born population in the United States almost tripled, from 9.7 million to 28.4 million, during the 30-year period from 1970 to 2000, according to the U.S. Census. Over 10% of the U.S. population is now foreign-born. One in five Americans was born outside the United States or has at least one parent who was.<sup>1</sup> These changes in the U.S. work force as a whole are also reflected in the demographics of the cleared population.<sup>2</sup>
- Globalization: The globalization of the economy has greatly increased the interaction between Americans with access to classified, export-controlled, and dual-use proprietary information and foreign nationals interested in obtaining this information. This makes it easier for buyers of information to contact, assess, cultivate, and sometimes recruit Americans with access to protected information. It also makes it easier for Americans who wish to sell information to establish connections with potential buyers.<sup>2</sup>
- Advances in Global Telecommunications: E-mail, instant messaging, and inexpensive international telephone calls via the Internet have transformed the role that foreign relatives and friends play in the lives of immigrants to the United States. As a result of modern telecommunications, contact is immediate and frequent and one can maintain many more foreign contacts at minimal cost. This is believed to contribute to continued identification with a person's country of birth.<sup>3</sup>

While opportunities for foreign influence have been growing, the opportunities and potential consequences of insider betrayal have also been increasing dramatically. The development of large, networked databases with automated search functions and the miniaturization of mass data-storage devices have increased exponentially the amount of information a single malicious insider can access and compromise.

Favorable adjudication of foreign contacts when an individual initially receives a security clearance does not eliminate this security concern.

Continued eligibility for access to classified information will be determined following each periodic reinvestigation based on updated reporting on the foreign contacts and the individual's current relationships with those contacts.

## **Foreign Threats**

The National Counterintelligence Executive reports that 108 countries were involved in legal and illegal efforts to collect intelligence in the United States during 2005, but the bulk of the activity originates in a relatively small number of key countries.<sup>4</sup> These key countries include friends and allies as well as strategic competitors. They conduct espionage against the United States for one or more of the following reasons:

- The country competes with the United States for global or regional political and economic influence.
- The country feels threatened by a hostile neighbor and seeks to develop or obtain the most advanced military technology. It may also seek information on U.S. policy concerning itself and the hostile neighbor, intelligence information the U.S. has pertaining to the hostile neighbor, and influence on U.S. policy toward itself and the hostile neighbor.
- The country has a developing economy and sees its economic future as being dependent upon the rapid acquisition and development of new technologies by every possible means, whether legal or illegal.
- The country competes with U.S. companies in the global marketplace for the sale of advanced technologies or military weaponry.

Location of an individual's foreign contacts or interests in a higher-risk country or region is NOT a disqualifying condition and shall not, by itself, be the basis for denial or revocation of any clearance. Many individuals are hired precisely because of their background in certain foreign countries. The country or region involved is only one of multiple risk factors to be considered when evaluating the applicability and significance of each disqualifying and mitigating condition in the Foreign Influence guideline.

## **Divided Loyalties and Competing Identities**

Divided loyalty is a security concern because it can lead to the voluntary and deliberate compromise of information one is obligated to protect. However, loyalty is difficult to assess since it has many facets. One can be loyal to one's own values, family, profession, employer, religion, culture, or country, and conflicts between these diverse loyalties are not uncommon. Consider, for example, conflicts between loyalty to family and loyalty to employer. Life experiences can provoke a conflict or crisis that results in a reorganization of priorities. Similar conflicts and change of priorities may occur between loyalty to the United States and loyalty to a foreign country or friend.

Many naturalized American citizens view themselves as loyal to both countries -- the United States and their country of birth -- and they experience no conflict as a result of these dual loyalties. It is important to recognize, however, that obtaining a security clearance for access to protected information or technology can disrupt this balance. It can create a conflict where no such conflict existed before.

An individual may obtain access to classified, export-controlled, or dual-use proprietary information or technology that would be of substantial value to a good friend or the government of the native country, but which the individual is obligated to withhold rather than share. This may be the first time the individual is required to make a hard choice between loyalty to the United States and loyalty to his or her native country. There are two common circumstances when such conflicting loyalties may occur.

- In the defense industry, foreign-born engineers and scientists play a critical role in the development of new technology. This technology may be of great interest to the countries where these engineers and scientists were born and maintain contacts, but the U.S. Government may prohibit its export to those countries.
- Many government employees and some contractors have access to a large network such as Intelink and the SIPRNET which contain U.S. Government intelligence reporting on many countries. Any foreign intelligence service would be very interested in obtaining classified U.S. intelligence reports on their own country or hostile neighboring countries. A recent example of this is the case of Leandro Aragoncillo, a naturalized U.S. citizen from the Philippines, who used his access to FBI databases to obtain U.S. intelligence reports on the Philippines. Aragoncillo then passed these reports to opponents of the Philippine government. [5](#)

Divided loyalties may also develop as a result of changes in the international environment after a clearance is granted. For example, many American citizens of Iraqi origin were recruited and approved for access to classified information to assist in overthrowing Saddam Hussein. In a very different environment of intra-Iraqi conflicts between Sunnis, Shiites, and Kurds, loyalty to the U.S. alone may be tested. An individual may be tempted to use access to U.S. classified information to help one of the ethnic groups in its conflict or competition with the others.

Before approving access to classified information, the adjudicator needs to judge how the subject is likely to react if the subject gains access to classified information or technology that must be protected, while knowing that this information or technology would have significant value to a friend, company, or the government of the subject's native country. If divided loyalties may be a significant issue, an interview by a specialist may be

needed to obtain the information the adjudicator needs to make such a judgment.

A special interview on foreign influence issues can assess a subject's potential divided loyalty, conflict of interest, or vulnerability to coercion and may include an assessment of competing identities. Competing identities are defined as the dual self-identifications experienced by individuals who were born in a foreign country but have since established their residence in the United States.<sup>4</sup> This special interview might also ask the subject directly what he or she will do in the event of gaining access to classified information that would be of substantial value to a friend or relative or the government of the native country, but which cannot be shared with that country. It might also be useful to know if the subject realized before applying for a security clearance that access to classified information might cause him or her to encounter such a conflict of interest.

An analysis of competing identities uses a number of indicators to assess the degree to which the individual remains identified with his or her native country and the degree to which he or she has assimilated American culture and values. An individual may be inclined to identify with his or her native country if he or she: <sup>3</sup>

- Came to the United States for educational or economic benefits rather than as a political refugee or to be with family who had come previously to the United States.
- Education during the formative years was in the native country.
- Has extensive family in the native country.
- Provides financial or other support, such as medicine, to relatives in the native country.
- Communicates via telephone, e-mail, instant messaging, or mail with friends or relatives in the native country at least once every two weeks.
- Maintains regular communication with individuals in the native country who share the same professional interests and expertise.
- Returns to the native country annually or on a regular schedule every two or three years.
- Did not apply for U.S. citizenship as soon as he or she was eligible.
- Views acquisition of American citizenship as a means to gain economic opportunities rather than as a commitment to American values and traditions.
- Is reluctant to give up a foreign passport or to renounce foreign citizenship.
- Maintains or will inherit investments, property, or other financial interests in the native country.

- Obtains income from the native country or is involved in a joint business venture there with a friend or relative.
- Resides in a culturally closed community with individuals from the same country of origin.
- Has a network of friends that consists largely of persons with the same national or ethnic background.
- After gaining U.S. citizenship, returned to native country to obtain a spouse and brought him or her back to the United States (or plans to do so).
- Has expressed feelings of obligation to the native country.
- Is actively involved in social or political organizations that support his or her native country.
- Contributes to charities in the native country or provides financial assistance to causes or individuals in that country.
- Makes references to wanting to return and live in the native country, for example, to retire there or be buried there.
- Frequently expresses a negative view of U.S. culture and values.
- Frequently expresses opposition to U.S. policy toward the native country.

### **Vulnerable to Influence or Manipulation**

All types of foreign contacts present some risk of foreign manipulation or influence. Friends, immediate family members, extended family members, and business and professional contacts all provide a potential avenue for a foreign intelligence service or other intelligence collector to contact, assess, develop, and attempt to obtain classified information or other protected information from an American target. Whether or not a specific foreign contact presents a disqualifying risk depends upon a combination of other factors including, but not limited to, the following:

- Foreign country or region where the contact is located.
- Closeness and frequency of the contact.
- Occupation, activities, and interests of the foreign contact, especially any occupation or interests that might cause the foreign contact to be interested in the types of classified or other protected information to which the subject has or will have access.
- Any circumstances that might cause the subject of investigation to have conflicting loyalties or a conflicting financial interest.
- Any circumstances or behavior by the subject of investigation that might have attracted the attention of the local security or intelligence service.

### **Vulnerable to Pressure or Coercion**

Foreign intelligence officers have a good understanding of human psychology and how to manipulate people. They will generally avoid outright coercion whenever possible, as they know that a willing spy will be more effective and more trustworthy than one who is pressured. They will typically ask for cooperation and may offer inducements rather than threats. The foreign intelligence or security service can make a relative or friend's life better or worse and is more likely to be successful with the carrot than the stick. If it is an authoritarian government and the subject fears what the local authorities might do, the authorities may not need to make the threat explicit in order to be successful. Once a recruitment target has provided any information at all or has accepted any money or other benefit, that individual is now compromised. This compromise then becomes the basis for continued control by the intelligence service.

Actual coercion is most likely to be used when the subject is caught engaging in some illegal activity, or when the subject is caught in a trap laid by the local intelligence or security service and made to believe that he or she is in serious trouble. For example, in one Middle Eastern country, an altercation between local nationals and three Americans visiting the country on official business was staged at a cafe. The police responded and took the Americans into custody. At the police station, questions posed to the Americans quickly shifted from inquiries about the incident at the cafe to questions about the nature of the Americans' duties while in the country. In instances such as this, the subject may be released quickly, with no attempt at recruitment. However, should the subject display weakness under pressure and a willingness to divulge information, a recruitment pitch may be made. Individuals caught in these circumstances may fail to report the incident to U.S. authorities out of fear or embarrassment.

When providing assistance to foreign relatives, it is easy to commit minor violations of complex currency exchange laws or laws concerning the import of foreign medicine, for example. The local security or intelligence service might exploit this by arresting the relative, making the subject feel guilty for getting the relative in trouble, and then requiring cooperation from the subject as a condition for release of the relative. There are many varieties of entrapment operations such as this.

## ***Potentially Disqualifying Conditions***

### *Extract from the Guideline*

*(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;*

*(b) connections 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;*

*(c) counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security;*

*(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;*

*(e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation;*

*(f) failure to report, when required, association with a foreign national;*

*(g) unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence service;*

*(h) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion;*

*(i) conduct, especially while traveling outside the U.S., which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.*

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Any foreign contact or activity involves some risk of foreign influence or exploitation. Each of the disqualifying conditions applies only if there is an unacceptable level of risk. Therefore, much of this Foreign Influence module is devoted to discussing Criteria for Judging Security Risk. The investigation needs to provide this type of risk information in sufficient detail for the adjudicator to assess the risk associated with each foreign contact, activity, or financial asset.

The reference to "heightened risk" is an important element in several of these disqualifying conditions. It means that the mere fact of having an immediate family member, business or professional associate, friend, or other contact who is a citizen of or resident in a foreign country is not disqualifying by itself. It is disqualifying only if there are additional facts which heighten the risk associated with that foreign connection. These additional facts might relate to the occupation and activities of the foreign

contact, origin and closeness of the contact, location of the foreign contact, and/or a potential conflict of interest regarding protection of information. These risk factors are discussed in greater detail below.

Where the phrase "heightened risk" does not appear in a disqualifying condition, the fact that the disqualifying condition identifies can be disqualifying by itself.

Failure to report association with a foreign national when this is required is also potentially disqualifying. Requirements for reporting foreign contacts vary depending upon level of clearance and organizational policies. Failure to report as required raises the question of whether the individual has something to hide or is unwilling to follow required security procedures. Adverse adjudicative action might be considered only if the failure to report is judged to be deliberate or the contact raises security or counterintelligence concerns.

Ongoing association with an individual suspected or known to be an agent, associate, or employee of a foreign intelligence service must always be reported. An individual's failure to do so may be disqualifying. When such contact is suspected, the adjudicative office usually consults with the appropriate counterintelligence authority. Information on such unreported contacts sometimes comes from counterintelligence sources.

Finally, adverse adjudicative action may be taken if counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security. It may be difficult for some agencies to use classified information as the grounds for denial or revocation of clearance must be provided to the individual concerned. For other agencies, however, classified information is sometimes the strongest basis for adverse adjudicative action. This potentially disqualifying condition facilitates the use of classified information by those agencies.

## **Criteria for Judging Security Risk**

### ***Closest and Most Frequent Contacts***

The subject's closest and most frequent contacts are the ones most likely to present a security risk, regardless of whether they are close family members, extended family members, friends, or business or professional associates. Foreign contacts with whom the subject communicates only once or twice a year for holiday or birthday greetings are generally not a security concern.

**Closest Foreign Contacts:** Adjudicators need to learn from the investigation which of the subject's friends, family members (both immediate and extended family), business contacts, or professional associates are the

ones to whom the subject feels the closest ties. These close ties might be ties of affection, obligation, common interests, or loyalty.

The stronger the ties, the more vulnerable the subject is to being manipulated if the friend, relative, or other close associate is brought under control and exploited by a foreign intelligence or security service. The risk also depends on the occupation and interests of the subject's close contact(s), as discussed below.

**Most Frequent Foreign Contacts:** Adjudicators need to know which of the subject's foreign contacts the subject communicates with most frequently. This includes communication by phone, e-mail, instant messaging, traditional mail, or in person. The frequency and method of communication is an independent measure of the closeness of an association. New telecommunications technologies are making it much easier and less expensive to maintain frequent contact with persons living in other countries.

Repeated travel to the subject's country of birth is noteworthy. It raises questions about the purpose of the trips and suggests close ties with family or friends in that country.

### ***Foreign Contact's Occupation and Interests***

Adjudicators also need to know whether any of the subject's foreign contacts have occupations or interests that might cause them to be interested in classified or other protected information to which the subject has access or is likely to gain access if a clearance is granted. Such occupations often include the government, military, law enforcement or security agency, a research institute or university, or any business that produces weapons or equipment for the military. Foreign contacts involved in journalism or any form of political activism might also be interested in classified or other protected information.

If one or more of the subject's foreign contacts has an interest in obtaining protected information to which the subject has access, the subject may experience a conflict between a desire to help a friend or the foreign country and the obligation to protect sensitive information. The foreign contact, or someone associated with the foreign contact, might seek to exploit the relationship to obtain the information, or the subject may become motivated to provide information voluntarily to assist the friend or the friend's country.

Several types of subjects often have contacts with people who would be interested in the classified or other information to which the subjects have access. These subjects include:

- Individuals who first came to this country for their undergraduate or postgraduate education and then remained here. These individuals

often maintain contact with school friends in the same field in their native country.

- Individuals whose jobs involve frequent attendance at international conferences often develop close personal relationships with foreign colleagues in their field.
- Government officials who develop personal friendships with their official contacts in other countries.

### ***Family Members***

The personnel security form requires information only on immediate family members. However, security concerns are not limited to immediate family members. In many parts of the world, including areas that are a fertile ground for recruitment of terrorists, the extended family plays an important role in an individual's life. Some societies view cousins and other kin as equivalent to brothers and sisters, and extended families often occupy and grow up in the same house. In some countries of significant security concern, family loyalty extends not only to the extended family but also to the tribe or clan. Also see section on [Vulnerability to Pressure or Coercion](#).

The subject's personal feelings of affection or obligation and the frequency of contact are more important than the exact nature of the family relationship. The closeness of the family ties may be affected by subject's early childhood experiences, relationship with parents or siblings, age upon leaving home, reasons for leaving home, and reasons for leaving the home country.

Frequency of contact with foreign relatives and number of relatives that are contacted are one measure of the extent to which a naturalized American citizen continues to identify with his or her native country. As a result of advances in telecommunications, contact can now be immediate, frequent, and inexpensive. This makes it easier for immigrants to the United States to remain closely tied to their country of origin. Another indicator of closeness is when foreign family members visit the United States and stay with the subject.

If the subject provides material support to the foreign family, such as money, clothing, or medicine, this shows that the subject feels a sense of obligation to or concern for the foreign family. This is potentially exploitable by the intelligence or security service in some countries, especially authoritarian countries where the police and security forces are feared by the local population. If the subject is a potential recruitment target, local law enforcement agencies may find or trump up an alleged legal violation committed by either the subject or the family in connection with the import of foreign currency, exchange of foreign currency, import of medicines, or even the import of clothing. This is one kind of tactic that foreign intelligence services sometimes use to establish the initial contact with a recruitment target.

Indicators that a foreign security or intelligence service may be seeking to assess the subject's vulnerabilities may become apparent to either the subject or the subject's family members. These indicators might include any of the following:

- Signs that mail to or from the subject's relatives is being monitored or read.
- Signs that telephone calls or e-mail to or from foreign relatives are being monitored.
- Discreet or official inquiries to the foreign relative or associate about the subject.
- The foreign relative has any type of difficulty with local authorities, or asks for money or medicine under circumstances that seem unusual.
- Any unusual contact between the subject and police or security authorities during foreign travel, especially foreign officials contacting the subject under any pretext while subject is visiting with relatives in the foreign country.

### ***Scientific and Technical Personnel***

High-technology industries in the United States, including defense industries, have become increasingly dependent upon foreign-born personnel who came to this country for educational and economic opportunities, not as political refugees escaping their homeland.

The ties that bind scientific and technical professionals to their foreign colleagues are usually based on common professional interests, sometimes a common economic interest, and often a common interest in furthering the development of technology in their native country. An increasingly common type of case is the foreign-born individual who comes to America to pursue educational and/or employment opportunities, often in science or engineering, stays in this country after obtaining a graduate degree, becomes an American citizen, and then obtains a security clearance.

A 1999 survey of 2,273 Indian and Chinese (including Mainland China, Hong Kong, and Taiwan) immigrant high-tech professionals in Silicon Valley, CA, examined their continuing relationships with their native countries. The survey found that 82% of the foreign-born respondents shared technological information with colleagues in their native countries, and 28% did this on a regular basis. Half of the subjects reported traveling to their native country for business at least yearly, and 5% made five or more trips per year. Thirty percent of respondents participated in meetings with government officials from their native countries. [6](#)

About 60% of respondents to this survey were U.S. permanent residents but not U.S. citizens, while the other 40% had become U.S. citizens. With one

exception, the report of this survey does not provide separate numbers for permanent residents as compared with U.S. citizens. That exception deals with the likelihood of returning to the native country. Of respondents who had become naturalized U.S. citizens, 25% said it is either "quite likely" or "somewhat likely" they will one day return permanently to their native country. [6](#)

The pattern of these immigrants' continuing relationships with their homelands demonstrates a desire to support the growing technological capabilities and economic development of their native countries. In most cases this is entirely consistent with the individual's obligations to the United States. The U.S. Government supports these same goals. It supports economic and technological development, the growth of a market economy, and in some cases a strong military in the countries from which these immigrants come.

However, U.S. interests and the interests even of our friends and allies are not always identical, especially when it comes to classified or dual-use military technology. Individuals with divided loyalties may encounter situations in which their desire to help their homeland is in conflict with their obligations to the United States. This presents some risk that an individual will cooperate voluntarily with a foreign interest based on personal friendship with a fellow professional, a feeling of obligation to support the economic development or military defense of the native country, or a financial interest in facilitating a business relationship with the native country.

Before approving access to classified information, the adjudicator must judge how the subject is likely to react if the subject gains access to classified technology or information that must be protected, while knowing that this technology or information would have significant value to a friend, company, or the government of the subject's native country. One way to do this is an assessment of competing identities. Competing identities are the dual self-identifications experienced by individuals who were born in a foreign country but have since established their residence in the United States. This procedure is discussed above under [Divided Loyalties and Competing Identities](#). Indicators are used to assess the degree to which the individual remains identified with his or her native country and the degree to which he or she has assimilated American values. Strong identification with the native country plus limited assimilation of American values is indicative of increased risk.

### ***Business Relationships***

An individual who buys or sells a product or service in a foreign country is often dependent upon the good will of one or more foreign nationals for his or her success. This creates some vulnerability. The purchase or sale is often a negotiation in which buyers and sellers bargain over price, quantity, or quality.

It is not unusual for personal favors and financial inducements to become part of the negotiating and bargaining process in international business transactions. When a foreign company perceives that its American counterpart has access to information that is not being shared, various means are sometimes used to obtain that information.

Some companies or governments have been known to suggest, either directly or indirectly, that disclosure of certain information may help to close the deal. One inducement is to offer the American a private contract as a "technical consultant" to help the company "improve its products." The American businessman and businesswoman with a security clearance then faces a conflict between their personal interest (a successful business transaction or profitable consulting contract) and their obligation to protect classified or other sensitive information or technology.

This was not a problem several decades ago when the defense industry was largely separate from the rest of the industrial establishment. Today, much defense technology is dual-use technology, that is, it has both military and civilian uses. In one case a defense contractor was in the awkward position of trying to sell an approved-for-export version of a product to a country whose intelligence service was seeking to acquire from that company, by espionage, the classified version of the same technology.

For a cleared individual with foreign business connections, adjudicators should know the extent to which a subject's earnings or job depends upon the good will of any foreign individual, company, or government. In some cases, it may be appropriate to ask the subject what he or she would do if the success of the business relationship depended upon the subject's willingness to provide information the subject is responsible for protecting.

### ***Foreign Citizen Spouse or Cohabitant***

If the subject's spouse is not a U.S. citizen, the adjudicator should understand why. Is the spouse not yet eligible to apply? Is the spouse interested in becoming a U.S. citizen but has not gotten around to applying? Has the spouse decided not to become a U.S. citizen? It is not unusual these days for a foreign spouse to have no desire or intent to become an American citizen. The adjudicator may wish to consider whether this presents some risk. A spouse or cohabitant who has had an opportunity to become a citizen but decided not to may be a greater security concern than a person who has just come to America and intends to become a citizen as soon as possible.

One requirement for an SCI clearance is that all immediate family members are American citizens. The term immediate family includes the subject's spouse or cohabitant. Exceptions to this requirement are allowed based upon a specific national security requirement and a certification of compelling need by a Senior Official of the Intelligence Community (SOIC) or his or her designee.<sup>7</sup> This is discussed further under [Foreign Preference](#) in the section

on *Citizenship of Immediate Family Members*. The process and requirements for becoming a naturalized American citizen are described under [Foreign Preference](#) in the section on *U.S. Citizenship Procedures*.

### ***Foreign Financial Interests***

Financial or property interests in a foreign country are a potential source or indicator of foreign influence. This includes foreign bank accounts, stock in foreign companies that is not sold on public markets in the United States, private equity ownership interest in a foreign business, and foreign real estate. (It usually does not include ownership of foreign stocks, bonds, or mutual funds that are purchased on public markets in the United States.)

Adjudicators should know the approximate value of the foreign assets in U.S. dollars and approximately what this amounts to as a percentage of the subject's overall income or financial net worth; how and why the subject initially acquired the foreign holdings; the level and frequency of the subject's involvement in managing the property or financial holdings or running the business; any income or dividends generated by the foreign financial interests; and any plans the subject may have to either expand or divest these interests, or transfer them to the United States or another country.

The adjudicator should be alert to any issues raised by the subject's financial holdings. Can a foreign organization or government bring pressure to bear on subject because of the holdings? Why does the subject maintain financial interests or property outside the United States? Does the subject plan to move or retire in the foreign country? Some foreign assets might raise the possibility of unexplained affluence. How did the subject initially acquire the foreign holdings? Can he or she provide proof that these financial assets are from a legal source? If the subject is reporting significant financial gain from profits, dividends, or an inheritance from outside the United States, can he or she provide documentation proving the source of the funds?

### ***American Students Abroad***

One semester of study abroad is increasingly common for American college students. As a general rule, this type of study abroad is not a security concern unless the individual has family in that country, is a dual citizen of that country, or there is some specific indicator of concern. If the study is in a country where the student might be targeted by the local intelligence service or a dissident or terrorist group, it is advisable for the investigator to seek out and interview a fellow student who knew the individual while studying abroad.

Periods of study abroad for one school year or longer for the express purpose of learning the foreign language and culture because of family associations or to pursue career goals related to that geographic area are a potential

concern. Such individuals are priority targets for the local intelligence service as they might be expected (or could be directed) to gain employment upon their return to America in a position that provides access to information of interest to that intelligence service. The foreign intelligence service has the time to assess, recruit, and train such an agent in a secure environment.

If the individual is nominated for a security clearance after returning from such study, the adjudicator will often ensure that the investigation identifies and interviews one or more persons who knew the student at the time of his or her overseas study. Very detailed questioning of the subject on his or her foreign contacts and activities is also appropriate.

**NSEP Grant Recipients:** Special consideration is warranted for Americans whose foreign study was funded by the National Security Education Program (NSEP). U.S. national security agencies have urgent needs to hire individuals with knowledge of foreign languages and cultures in regions of interest to national security. The NSEP was created by Congress to help develop a pool of U.S. citizens with international professional skills including linguistic and cultural expertise. NSEP awards scholarships and fellowships for overseas study in selected areas to individuals who are screened and selected, in part, based on their career goals and motivation to seek federal employment.

Among other activities, the NSEP grants scholarships and fellowships to American students to study in areas such as the Middle East, Central and South Asia, Russia, and China. These are called Boren Scholarships for undergraduates, Boren Fellowships for graduate students, and National Flagship Language Program (NFLP) Fellowships for more advanced training in certain critical languages. Recipients of this government funding accept an obligation to seek employment with an agency or office of the federal government involved in national security affairs, and the NSEP actively assists award recipients in finding such employment.

Adjudicators should keep in mind that a NSEP award recipient's foreign residence, development of foreign contacts, and exposure to foreign influence has been sponsored by the U.S. Government to help meet an important national need. Therefore, if an issue arises, such an individual should usually be given the benefit of the doubt. The security clearance process should treat the NSEP program as it would a government-sponsored foreign immersion training exercise for employees. Any decision to deny or delay a clearance on the basis of an NSEP scholarship or fellowship recipient's activities while abroad should usually be referred to a senior manager to weigh the security risk versus the government's need for this person's services.

## **Foreign Travel**

Most foreign travel is normal and is not, by itself, a security concern. There is a security concern, however, about certain patterns of travel and about some

of the things that can happen during foreign travel. Americans who have access to classified or other protected information are frequently assessed and occasionally recruited while traveling abroad. Americans are far more vulnerable when living or traveling on the other country's home turf. Foreign governments and others trying to obtain classified or other protected information from Americans have many more resources available and are more confident and aggressive when operating in their home country.

Unfortunately, most reference sources contacted during the investigation have very little information about a subject's behavior during foreign travel. The best independent sources are friends or coworkers who traveled abroad on business or vacation with the subject or have been assigned abroad with the subject. They may be well-informed about the subject's contacts and behavior while abroad.

The significance of foreign travel depends upon the country involved and the nature of the subject's contacts in that country. The risk that foreign contacts of American travelers will be exploited by the local intelligence or security service, or by other organizations or groups in the foreign country, is substantially greater in some countries than in others. Higher risk countries include the following:

- Countries in which government or nongovernmental entities are known to conduct a systematic program of intelligence collection operations against the United States, including the exploitation of American visitors to that country. See the discussion of such countries under [Foreign Threats](#).
- Any country where the subject has relatives, friends, or business or professional associates in positions where they might benefit from classified or other protected information to which the subject has access. This may raise a question of conflicting interests or divided loyalties.
- Countries where there is a significant risk that a subject's contacts in that country may be associated with terrorism.

### ***Suspicious Travel***

Americans who voluntarily sell classified or other protected information to a foreign entity sometimes travel abroad to make the initial contact. Some Americans who are already spying for a foreign organization travel periodically to a foreign country to meet with their foreign handler, as this is often safer than meeting in the United States. Americans supportive of terrorist movements sometimes travel abroad for terrorist training.

In all such cases, the purpose of the travel, and sometimes even the fact that one has traveled abroad, would need to be concealed. Travel abroad for ulterior purposes is sometimes explained as a visit to foreign family, a

business trip, or vacation. Experience over the years has identified a number of observable indicators that the true purpose of travel may be being concealed. These include:

- A pattern of short-duration travel, usually over a weekend, and usually to the same foreign location. This can indicate illegal activity, including periodic meetings with a foreign intelligence officer. Such travel is particularly important when not reported by the subject but learned from other sources such as an ex-spouse.
- Travel to attend a Islamic religious school (madrassa). This may be legitimate, but it is often used as a cover for training at a terrorist camp.
- Repeated travel to any country where the subject has no apparent family or business connections, especially to countries and areas that are not common vacation destinations. Why is the subject traveling there?
- Unreported side travel within a foreign trip. Circuitous travel and unusual routings can indicate that an individual is trying to disguise the actual destination or hide activities that took place.
- Expensive foreign travel which is unusual for subject's age, family responsibilities, and apparent income. What is the source of funds for the travel?
- Destination of the travel seems inconsistent with the stated purpose. For example, it would be unusual for an individual who has seldom traveled overseas to travel on "vacation" to Syria.
- Duration of the trip is not consistent with a typical vacation. Most people will take at least a week to two weeks for a vacation trip out of the United States. It would be unusual for someone to pay for a trip to Europe, for example, and then spend only two days there. Short trips out of the United States have frequently been an indicator of illegal activity. Similarly, a vacation of a month or more, particularly if the subject has limited financial means, would be unusual. Longer trips out of the United States have been used as periods for training and indoctrination with terrorist organizations.
- If the subject is married but traveled alone without the spouse, why?

### ***Noteworthy Events during Travel***

Many things of potential adjudicative or investigative interest can happen during foreign travel. If such events are identified during the investigation, the adjudicator needs to have sufficient detail to assess potential security ramifications.

**Security-Related Incidents:** Americans traveling abroad, especially those traveling on government or commercial business or attending conferences, seminars, or trade shows of intelligence interest, often note signs of foreign

intelligence activity. This includes bugging of the subject's phone or hotel room, the subject being followed, search of the subject's luggage or laptop computer, or efforts to elicit classified information. For examples of such reporting, see *In the Line of Fire: American Travelers Abroad* in the [Counterintelligence](#) module. The fact that a subject is a foreign intelligence target is not, by itself, adverse information about the subject. However, it does increase the importance of knowing if that subject has any weaknesses or other circumstances that may make him or her susceptible to foreign recruitment.

Any involvement with law enforcement, customs, or security officials is also of security interest. Foreign intelligence and security services sometimes find, or deliberately contrive, reasons to detain and question American visitors. Americans may be threatened with imprisonment or other harsh punishments unless they agree to provide some form of assistance to the foreign government. This may be the start of a recruitment plan. It may just be a test to see how the target reacts under pressure, or it may be done as a warning to other Americans who are engaging in activities that the foreign government deems undesirable. Sometimes the American may be allowed to pay a "fine" on the spot to avoid arrest and not make a court appearance. Believing there is no formal record of the incident, the subject may not report it unless specifically asked.

**Foreign Contacts:** If a foreign intelligence service or other intelligence collector identifies the subject as a desirable recruitment target, it will seek to assess the subject to identify any exploitable weaknesses. This often means maneuvering informants into personal contact with the subject. New contacts, and old contacts with whom the relationship changes, need to be assessed in this context. It is particularly noteworthy when another person:

- Asks inappropriate questions relating to the subject's classified work.
- Asks the subject to send him or her any type of *unclassified* information.
- Asks the subject to do research for him or her, or to work as a consultant.
- Expresses interest in, or talks to the subject about, the subject's personal problems, e.g., the cost of medical or college expenses for his or her children, a drinking or gambling problem, marital problems, unhappiness with his or her employer, etc.
- Shows a surprising level of knowledge about the subject's personal life, job, or classified work.
- Makes a point of developing a personal (not work-related) relationship with the subject, or with whom the subject plans to take the initiative in maintaining future personal communication.
- Is someone with whom the subject had an amorous or sexual relationship.

- Solicits the subject to engage in any type of illegal or potentially compromising conduct.
- Asks the subject to carry letters or packages into or out of the United States, or from one foreign country to another.
- Contacts the subject unexpectedly from the foreign country after the subject returned to the United States.

**Behaviors of Potential Concern:** Some Americans seem to think that the rules they normally live by at home no longer apply when outside the United States. They act out and engage in behaviors they would normally not indulge in at home. Such persons feel that they have anonymity and are safe from exposure when outside the United States while, in fact, they may be at high risk of being spotted and pressured with threats of exposure to cooperate with a foreign intelligence service. Such activities are of security concern because they may be in violation of local laws, and because of the message they convey to a foreign observer about a person's weaknesses and potential vulnerability to recruitment as a spy.

Behaviors that may be and often are exploited by a local security or intelligence service include: smuggling anything to or from a relative or friend, black market currency exchange, sexual activity that is illegal or would be embarrassing if it became public knowledge, drug purchase or use, public drunkenness, traffic violations, any argument with officials of the foreign country, illegal export of antiquities, contact with dissident groups opposed to the government, or distribution of religious or political literature that is against the law in that country.

### ***Special Purpose Travel***

Most foreign travel is for vacation, business, education, or to visit family. There are several more specific travel purposes that need to be addressed separately.

**"Religious" Training:** Most training of terrorists is done in training camps overseas. That requires a cover story to explain the purpose of the travel and one's absence for a couple weeks to several months. The most common cover story is religious training or attendance at an Islamic religious school (madrassa). Arabic language training may also be used to explain the travel. Such travel is, of course, sometimes legitimate. Any foreign travel for religious or Arabic language training needs to be evaluated in the context of the subject's employment, past travel pattern, financial status, and how the travel was arranged and who paid for it.

**Tax Havens:** Repeated travel to any country that serves as a tax haven where a subject might be maintaining an undisclosed bank account is a potential concern. Are there indications of unexplained affluence? The Organization of Economic Co-operation and Development (OECD) identifies

39 countries or jurisdictions it considers to be tax havens. These are: Andorra, Anguilla, Antigua and Barbuda, Aruba, Bahamas, Bahrain, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Cook Islands, Cyprus, Dominica, Gibraltar, Grenada, Guernsey, Isle of Man, Jersey, Liberia, Principality of Liechtenstein, Malta, Republic of the Marshall Islands, Mauritius, Principality of Monaco, Montserrat, Republic of Nauru, Netherlands Antilles, Niue, Panama, St. Christopher (St. Kitts) and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, San Marino, Seychelles, Turks & Caicos, U.S. Virgin Islands, and Vanuatu. [8](#)

Many tax havens and off-shore banking facilities are located in the Caribbean and other vacation destinations. Persons making repeated short trips to the same country need to be questioned closely concerning any financial activities conducted on the trips and whether they carried unusual sums of money. Whenever a subject admits to moving financial instruments into or out of the United States, adjudicators need to know the amounts involved, purpose of the transaction, other parties involved, financial benefits to the subject, existence and amounts of any foreign accounts held by the subject, and whether the transactions were in violation of any U.S. or foreign law.

**Sex Tours:** Travel abroad for the purpose of seeking sexual gratification is a thriving industry, and it is a security concern because it is easily exploited by foreign intelligence services for the identification and assessment of American targets. Travel agencies advertise "sex tour" packages on the Internet and in magazines. Tours for men provide a variety of sexual companions or allow selection of a single companion for the entire tour. Favored destinations for sex tourism include Russia and the former Soviet republics, Asian countries such as Thailand, India, and the Philippines, and Latin American countries such as Mexico and Panama. More recently East European locations, such as Prague in the Czech Republic, are developing reputations as sex tour destinations.

Some of these tours cater specifically to deviant sexual practices such as pedophilia. The pedophiles travel in organized groups to countries where child trafficking rings provide minors for sexual purposes. Adjudicators should know that travel to any foreign country to have sex with a minor is a serious violation of U.S. law subject to a penalty of 5 to 30 years in prison. These same countries are also destinations for legitimate tourist activities. For this reason, the investigator needs to be alert for indications that reported travel was for other than a simple tourist vacation. Such indicators may include a pattern of repeated trips to suspect locations; nervousness or hesitation on the part of the subject in discussing a trip itinerary or reasons for going to a specific country; any mention by the subject of a sexual motive or involvement connected to the trip; or information from other sources that the subject may be involved in unusual sexual interests when traveling abroad.

Persons who feel the need to travel outside the United States to pursue deviant sexual interests will frequently take photos or obtain souvenirs

relating to their activities. Sometimes a line of questioning concerning whether the subject did any photography on the trip, or the type of souvenirs brought back and their significance, can be revealing.

**Mail Order Brides:** Internet and other advertising for mail order brides or tours to meet marriageable young women is commonplace and apparently effective. Countries frequently involved include Russia, Ukraine, Belarus, and the Philippines, but a number of other countries also offer such services. An Internet search on "mail order brides" turns up over 1 million hits. U.S. military personnel are known to have found Russian brides through such advertisements. Some individuals have made repeated trips abroad to meet prospective marriage partners with no intention of getting married. They just use the trips to take a vacation with free sexual benefits.

Any travel to meet prospective spouses initially contacted over the Internet, or through magazine ads or businesses specializing in arranging meetings with potential foreign spouses, needs to be carefully evaluated. It is easily exploited by the foreign country's intelligence service. The relationship between sex and spying has a long and colorful history, and the exploitation of amorous relationships to dispatch agents to foreign countries is an established intelligence *modus operandi*. If a subject of investigation brings back a mail order bride from a higher-risk country, this may be disqualifying due to counterintelligence concerns.

The adjudicator needs details of how the trip was arranged or how the introduction was made over the Internet, the identity of the partner, any financial arrangements or fees paid, and plans for bringing the partner to the United States. The involvement of any foreign organizations, either governmental or commercial, needs to be identified. Was subject required to fill out biographic forms in any kind of detail? Was the subject interviewed at length by any foreign entity? Was the subject asked to perform any act or service to facilitate the marriage process or to obtain an exit visa for the desired partner?

**Arranged Marriages:** First and second generation immigrants from the Middle East, as well as from India, elsewhere on the Asian subcontinent, and some other countries, frequently marry a person selected by their family in the native country with little or no input from either of the parties to the marriage. The adjudicator needs to assess what this means about the subject's assimilation of American culture and values. Are there obligations to family or clan that the subject takes on by marrying a partner from the home country?

**Adoption:** Persons seeking to adopt a foreign baby are often involved in prolonged negotiations with a foreign organization. Occasionally, they are subjected to coercion and extortion to facilitate the adoption. It is desirable for the adjudicator to know how the adoption was arranged and what agency is or was involved, whether the subject was required to submit biographic

data in detail or be interviewed by any foreign entity, and whether the subject was required to pay bribes or questionable fees or to provide some service in exchange for the adoption being allowed to proceed.

## ***Mitigating Conditions***

### *Extract from the Guideline*

*(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 U.S.;*

*(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;*

*(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 cognizant security authority;*

*(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;*

*(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.*

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The following discussion elaborates on the above mitigating conditions.

### **Conflict of Interest Is Unlikely**

There is little likelihood of a conflicting interest if the subject has no foreign contacts in positions where they would be interested in the classified or other protected information to which the subject has access. Conflicting interests are also unlikely if contacts in the foreign country are only distant relatives or contact is indirect or infrequent. Likewise, conflicting interests are unlikely when foreign contacts or financial interests are located in a foreign country

that does not normally conduct intelligence operations against the United States.

If there is some potential for a conflicting interest, that might be mitigated if the subject fully understands the potential security problem, has a scrupulous record of following rules and regulations, has no known weaknesses or vulnerabilities, and can be counted on to report immediately any security issue that may arise.

### **Not Vulnerable to Foreign Influence**

There is little possibility of undue influence if the subject has no feeling of loyalty or obligation to a foreign interest, and there are no circumstances or past behaviors that might make the subject vulnerable to pressure or coercion. A naturalized citizen's vulnerability to foreign influence may be reduced if he or she came to America as a youth or has been here long enough to assimilate American values and culture.

### **Contacts are Casual and Infrequent**

Contact is clearly casual and infrequent if it is limited to a twice-yearly exchange of holiday or birthday greetings with a relative or former school friend one no longer sees. Whether contact qualifies as infrequent depends upon the nature and circumstances of the contact. Annual travel to a foreign country to visit family might be considered frequent, but an annual phone call would not be frequent. Contact with a foreign official in the United States is casual when it occurs as an incidental by-product of other activities, such as attending a party where a foreign official is also present.

### **Contacts Are on Government Business**

Foreign contacts on U.S. Government business are not a security concern as long as the subject follows all appropriate procedures and regulations regarding reporting these contacts. Failure to follow appropriate procedures and regulations may be a security concern. If a government contact develops into a personal relationship independent of government business, the rules for personal contacts apply.

### **All Contacts Are Fully Reported**

The Foreign Influence guideline is not intended to discourage cleared personnel from maintaining foreign contacts. The goal is to monitor contacts and ensure that personnel receive appropriate guidance for handling them. Security concern is mitigated if the subject has promptly reported to proper authorities all contacts, requests, or threats by persons or organizations from a foreign country, as required.

If an individual is targeted or approached for cooperation by interests hostile to the United States, this is often not derogatory and does not need to be mitigated as long as all relevant information is reported promptly and fully to proper counterintelligence or security authorities. Counterintelligence authorities need to evaluate why the subject was selected for special attention and to assess the completeness and accuracy of subject's account of what happened.

### **Financial Interests Are Minimal**

For purposes of this guideline, foreign financial interests are minimal if control over those assets could not be used to put pressure on the subject of investigation. This depends upon the amount of the assets, the subject's overall financial situation, and what alternatives the subject would have if the foreign financial interests had to be abandoned. However, there may be other issues relating to how and why the financial assets were acquired and where or why they are being maintained.

Foreign financial assets are potentially disqualifying, and therefore need to be mitigated, only if they are "substantial." Foreign assets that might be considered not substantial from a Foreign Influence perspective include:

- Ownership of vacation property in Canada, Mexico, or the Caribbean.
- Ownership of a vacation timeshare anywhere.
- Ownership of stocks or bonds of any foreign company that is publicly traded on a U.S. stock exchange unless the value is over \$50,000 in a single company.

### **Footnotes**

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