

Student Guide

Guideline C: Foreign Preference

Objective	To help the learner identify Foreign Preference security concerns as outlined in Security Executive Agent Directive 4 National Security Guidelines Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, effective June 08, 2017.
Estimated Completion Time	20 Minutes

Screen 1

Meet Rachel Segal. She is a 34 year old Research Biochemist employed by a U. S. government contractor. Recently, she was selected for a position requiring Top Secret eligibility and will require access to Top Secret information.

Rachel submitted the required paperwork to initiate her security background investigation through her security office.

Now, your task is to review Rachel's file and make an eligibility determination. Please note that other adjudicative guidelines may apply. In this case you will focus only on Guideline C: Foreign Preference.

Screen 2

The most important part of an adjudicator's job is to examine a sufficient period of a person's life to determine whether or not the person is an acceptable security risk.

This task should never be taken lightly as cleared personnel may eventually have access to classified information.

Adjudicators take into consideration all relevant information, both favorable and unfavorable from a person's past and present to form the "whole-person" concept, when making an eligibility determination.

Screen 3

In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

- The nature, extent, and seriousness of the conduct;
- The circumstances surrounding the conduct to include knowledgeable participation;
- The frequency and recency of the conduct;

- The individual's age and maturity at the time of the conduct;
- The extent to which participation is voluntary;
- The presence or absence of rehabilitation and other permanent behavior changes;
- The motivation for the conduct;
- The potential for pressure, coercion, exploitation, or duress; and
- The likelihood of continuation or recurrence.

Screen 4

Guideline C: Foreign Preference, states that when an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it. By itself, the fact that a U.S. citizen is also a citizen of another country is not disqualifying without an objective showing of such conflict or attempt at concealment. The same is true for a U.S. citizen's exercise of any right or privilege of foreign citizenship and any action to acquire or obtain recognition of a foreign citizenship..

When reviewing Rachel's investigative file, you read that Rachel possesses dual U.S./British citizenship and possessed an active British passport.

[2] Click on the folder to review the details in Rachel's file.

(File folder information)

- Rachel was born in the United States to British Nationals who were legally living and working in the United States at the time of her birth. She is a U.S. citizen by birth, who has been recently promoted to a critical-sensitive position requiring Top Secret clearance eligibility. She also holds British citizenship, which she derived from her parents.
- As required, she disclosed his foreign citizenship and passport on her security form. She has never had access to classified information or held a national security sensitive position.
- Even though Rachel was born in the United States, she derived British citizenship from her parents. During the subject interview portion of her investigation, she advised that, as listed on her SF-86, she possesses a British passport, but she only uses her U.S. passport when entering or exiting the U.S. She derived her dual citizenship from her parents.
- She stated that she that she does not exercise any rights, privileges, or obligations due to her foreign citizenship and does not hold and foreign financial or business interests and there is no evidence of foreign preference.

Screen 5

Does the information in Rachel's file raise a valid security concern under Guideline C: Foreign Preference? Click on the file folder to review the file and select the disqualifier(s) that apply to

Rachel's case. Then click on the Submit button.

Screen 6

Rachel's dual citizenship and possession of a foreign passport is a security concern, but each Adjudicative Guideline has specific mitigating conditions that sometimes allow an applicant to be cleared in spite of the concern.

Do any mitigating conditions apply to Rachel's case?

Click on the file folder to review the file and select the mitigator(s) that apply to Rachel's case. Then, click on the Submit button.

Screen 7

The information from Rachel's background investigation raised concerns under Guideline C: Foreign Preference. However, there are several mitigating conditions in Rachel's case. First, her dual citizenship is based solely on her parent's citizenship and there is no evidence of foreign preference. Additionally, her British citizenship is not in conflict with U.S. national security interests.

But this does not mean she will automatically receive Top Secret eligibility. Her case needs to be adjudicated against all the Adjudicative Guidelines before a final eligibility decision can be made.

For information on the other Adjudicative Guidelines, please see the other Shorts developed by CDSE.

To review Guideline C: Foreign Preference conditions of concern and mitigation, click on the Job Aid button.