



## Dual Citizenship - Security Clearance Implications

1. The issue of dual citizenship of Department employees and applicants for employment has recently engendered questions about Department policy. The purpose of this notice is to explain existing Department policy for all employees and to inform potential applicants for both the Civil Service and Foreign Service of the possible effect of dual citizenship on security clearance determinations. Dual citizenship can present a security issue whether to permit access to classified information which affects recruitment, employment, and assignments.
2. U.S. Department of State security clearance evaluations and determinations are the responsibility of the Bureau of Diplomatic Security (DS). DS is required to consider dual citizenship in conducting personnel security investigations and making security clearance evaluations/determinations in accord with government-wide Executive Orders and adjudicative standards (Executive Orders 10450 and 12968, 32 C.F.R. Part 147 and 12 FAM 230 are available online at the referenced web addresses).
3. Security clearance evaluations/determinations must assure that access to classified information for a specific individual is "clearly consistent with the interests of national security." Under the adjudicative guidelines, "any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security." When making such a determination, DS must consider all available information, both positive and negative. This is the "whole person" concept. Dual nationality is a relevant element in some cases. While U.S. citizenship is a basic eligibility requirement to be considered for access to classified information, it does not automatically confer the right to a security clearance. Dual citizenship must be considered in context of other circumstances in an individual's background.
4. The Department has not implemented, and does not intend to implement, any "blanket rule" regarding dual citizenship. In making security clearance determinations, DS will continue to evaluate dual citizenship issues on a case-by-case basis. Applicants will be questioned about dual citizenship as part of their initial subject interview. Current employees will not generally be questioned about any foreign citizenship until the regularly scheduled periodic reinvestigation. Should an event trigger a review of an employee's access eligibility before their routine update, any foreign citizenship will be addressed at that time.
5. Facts about any subject's conduct and behavior developed through required background investigation are weighed against criteria in the government-wide adjudicative guidelines. DS must be able to determine that granting access to classified information is clearly in the national security interest. A fundamental adjudicative principle is that the mere absence of derogatory information is not sufficient grounds to grant a security clearance. The government must, through an appropriate investigation and evaluation, establish a personal and professional history that positively affirms the individual's judgment, reliability,

trustworthiness and loyalty to the United States. If there is any doubt about unquestioned preference for and allegiance to the United States, unencumbered by any undue foreign influence, DS must render a determination in favor of the national security and determine that individual ineligible for access. These same adjudicative principles are used in all federal personnel security programs.

6. The evaluation element presented by dual citizenship is that it could raise an issue of possible divided loyalty to the United States. Title 32 C.F.R. 174.5, Adjudicative Guideline C, Foreign Preference, provides:

(a) The concern. 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 be prone to provide information or make decisions that are harmful to the interests of the United States.

(b) Conditions that could raise a security concern and may be disqualifying include: (1) the exercise of dual citizenship; (2) possession and/or use of a foreign passport; (3) military service or a willingness to bear arms for a foreign country; (4) accepting educational, medical or other benefits, such as retirement and social welfare, from a foreign country; (5) residence in a foreign country to meet citizenship requirements; (6) using foreign citizenship to protect financial or business interests in another country; (7) seeking or holding political office in the foreign country; (8) voting in foreign elections; (9) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

c) Conditions that could mitigate security concerns include: (1) dual citizenship is based solely on parents' citizenship or birth in a foreign country; (2) indicators of possible foreign preference (e.g., foreign military service) occurred before obtaining United States citizenship; (3) activity is sanctioned by the United States; (4) individual has expressed a willingness to renounce dual citizenship.

7. To illustrate the DS evaluation process regarding dual citizenship, some past examples that have arisen recently are provided below. DS' goal is to maintain consistency in its determinations. There may appear to be many similarities between cases; however individual circumstances vary greatly and may not be known to the hiring entity. While not all inclusive, the following examples give an indication of how such factors are evaluated and determinations made:

Example A. A subject derived foreign citizenship from his or her parents. In this case, DS would examine whether or not the subject has exercised the foreign citizenship: by accepting educational, medical or social welfare benefits for himself/herself or family; possessing and using the foreign passport; serving in the foreign military; working for the foreign government; etc. In the absence of the subject's exercising foreign citizenship, and if subject's current and past actions consistently demonstrated preference for and allegiance to the United States, then dual citizenship would not preclude a security clearance.

Example B. A subject only recently became a naturalized U.S. citizen through marriage and has no previous ties to the United States. In this case, DS could not likely grant an immediate security clearance, since the demonstrated loyalty requirement could not be satisfied immediately. Eligibility for access could be reconsidered after a passage of time during which the subject would have the opportunity to clearly demonstrate preference for and unquestioned allegiance to the United States, and the absence of any undue conflicting influence, as required by the referenced guidelines.

Example C. A subject was born in the U.S. as the child of foreign visitors. The subject left the U.S. in infancy, never returned and has no ties or histories which indicate a preference for and allegiance to the United States. DS would not have the background information required to grant a security clearance.

Example D. A subject is a naturalized U.S. citizen and dual national who is willing to relinquish his foreign passport but is not/not willing to renounce foreign citizenship of birth. The subject explains that the reason for this position is: (1) so that children can continue to enjoy free foreign education benefits; (2) for possible future employment opportunities; and (3) for foreign inheritance purposes. DS would not be able to clearly determine the individual's preference for the United States, sufficient to grant a security clearance.

8. DS will continue adjudicating security clearances pursuant to the "whole person" concept. The fact that a person holds citizenship with another country, as well as citizenship with the United States, does not automatically result in a security clearance denial. Conversely, the simple renunciation of foreign citizenship would not necessarily result in granting a clearance. An individual must demonstrate unquestioned allegiance to the United States, preference for the United States over any other country, and also be free from any undue foreign influence. If this cannot be established, a security clearance cannot be granted. Where a newly naturalized citizen is seeking U.S. Department of State employment, DS may be unable to adequately investigate the person's background in the country of origin or elsewhere to make this determination. When DS is unable to clear a new entrant, DS will so inform HR, and HR will take steps to withdraw the offer.

9. Should DS make an unfavorable determination on a security clearance, E.O. 12968 guarantees appeal rights to applicants and employees alike. The Department's final clearance determination is rendered by a panel consisting of the Under Secretary for Management, the Director General of the Foreign Service and Director of Human Resources and the Assistant Secretary, Bureau of Administration. The Department's appeal process can be found in 12 FAM 230.

10. Dual citizenship also presents an issue in the assignment of staff to overseas posts. For example, the Vienna Convention on Diplomatic Relations does not provide diplomatic privileges and immunities for dual nationals; most countries do not unilaterally grant such privileges and immunities. Absent extraordinary circumstances, the Department will not assign an employee to a country where he or she is a citizen. This Department policy is made known to potential applicants at the earliest possible stage of the recruitment process.