



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

5520
Ser 09N2/OU532484

SEP 1 2000

From: Chief of Naval Operations

Subj: POSSESSION OR USE OF A FOREIGN PASSPORT

Ref: (a) ASD(C3I) memo of 16 Aug 00
(b) SECNAVINST 5510.30A

1. Reference (a) provided adjudicative guidance clarifying the application of the foreign preference adjudicative guideline, involving possession or use of a foreign passport.

2. The possession and use of a foreign passport in preference to a U.S. passport raises doubt as to whether the individual's allegiance to the United States is paramount. Possession and use of a foreign passport could also facilitate foreign travel unverifiable by the U.S. Therefore, reference (a) requires that clearance be denied or revoked unless the applicant surrenders the foreign passport.

3. To achieve consistent application of the guideline, individuals who indicate they possess a foreign passport in item 17d on the Standard Form 86, will be instructed to return the passport to the appropriate country embassy or consulate requesting a return endorsement. The endorsement will demonstrate that the passport was received and will be a prerequisite to any security clearance eligibility determination. The embassy or consulate endorsement will then be forwarded to the Department of the Navy Central Adjudication Facility (DON CAF) by an OPNAV 5510/413 to be used in the security clearance eligibility determination.

4. This guidance will be incorporated in a forthcoming revision to reference (b) and is currently posted on the CNO (N09N2) website at www.navysecurity.navy.mil. The CNO (N09N2) point of contact for this matter is Ms. Mary Anderson, who can be reached at (202) 433-8854 or DSN 288-8854, email: manderso@ncis.navy.mil.

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COMMAND, CONTROL,
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INTELLIGENCE

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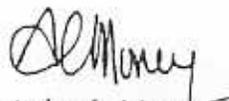
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN JOINT CHIEFS OF STAFF
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, ADMINISTRATION & MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Guidance to DoD Central Adjudication Facilities (CAF) Clarifying the
Application of the Foreign Preference Adjudicative Guideline

The Defense Security Research Center (SRC) has recently completed a study of the efficiency and effectiveness of the implementation by the Department of Defense of the Adjudicative Guidelines and Investigative Standards approved by the President in 1997. The results indicate that DoD has successfully implemented the Adjudicative Guidelines and Investigative Standards. While the implementation of the guidelines as a whole was considered adequate, the implementation of one guideline in particular was the focus of SRC's recommendations for further attention: Guideline C, Foreign Preference. SRC found that DoD's implementation of this guideline was problematic in cases involving the possession and/or exercise of dual citizenship, including especially cases involving the use of dual passports.

The purpose of this memorandum is to clarify the application of Guideline C to cases involving an applicant's possession or use of a foreign passport. The Guideline specifically provides that "possession and/or use of a foreign passport" may be a disqualifying condition. It contains no mitigating factor related to the applicant's personal convenience, safety, requirements of foreign law, or the identity of the foreign country. The only applicable mitigating factor addresses the official approval of the United States Government for the possession or use. The security concerns underlying this guideline are that the possession and use of a foreign passport in preference to a U.S. passport raises doubt as to whether the person's allegiance to the United States is paramount and it could also facilitate foreign travel unverifiable by the United States. Therefore, consistent application of the guideline requires that any clearance be denied or revoked unless the applicant surrenders the foreign passport or obtains official approval for its use from the appropriate agency of the United States Government. Modification of the Guideline is not required.

This clarification of the current adjudication policy applies to all cases in which a final decision has not been issued as of the date of this memorandum.


Arthur L. Money
