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8. MARRIAGE OF EMPLOYEES (U)

SYNOPSIS. This regulation establishes policy and procedures with respect to the continued employment after marriage of staff and contract personnel, hereinafter referred to as employees. (U)

a. MARRIAGE TO FOREIGN NATIONALS**(1) POLICY**

- (a) As a matter of Agency policy, the marriage of Agency employees to foreign nationals is discouraged and is a subject of serious security and counterintelligence concern. For purposes of this regulation, a foreign national is a person who is not a citizen of the United States. If an employee wishes to remain in the employ of the Agency after marriage to a foreign national, permission to do so must be obtained prior to the marriage. Failure to obtain permission constitutes grounds for dismissal. In addition to requesting permission to remain employed, an employee must submit his or her resignation at the same time. It is Agency policy to consider each case individually. A determination to approve or disapprove a request to remain employed following such a marriage will be based on evaluation of the security and counterintelligence risks involved. The provisions of this regulation will apply without regard to the grade or position held by an employee.
- (b) A statement will be required from the employee stipulating his or her understanding of the prospective spouse's intent to apply for U.S. citizenship as soon as eligible. Failure by the spouse to obtain U.S. citizenship after marriage will be grounds for termination of the employee's Agency employment. The Office of Personnel (OP) and the Office of Security (OS), with the assistance of the Head of the employee's Career Service, will monitor such cases to ensure compliance with this provision.
- (c) Before the marriage is to take place, appropriate field and headquarters traces and

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other investigative inquiries will be conducted on the prospective spouse. The prospective spouse normally will be required to undergo a polygraph examination for assistance in the verification of the personal history statement, as well as focusing on certain counterintelligence issues. In certain circumstances, the employee may be requested to undergo polygraph testing. Employees will be notified of when and how they are to inform their prospective spouse of the scheduled polygraph.

- (d) When approval is granted to remain in the employ of the Agency after marriage to a foreign national, the following caveats will apply:

- (1) An employee serving overseas, [redacted] will be reassigned to the United States at the end of the tour or within six months from the date of the marriage, whichever is earlier. This reassignment policy will be applied consistently to all members of an overseas station, base, or non-Directorate of Operations (DO) facility. Normally, the employee will remain in the United States until the spouse has obtained U.S. citizenship. This limitation is intended to provide the spouse with the protection of the U.S. passport as well as to minimize intelligence threats. Under certain circumstances, and with the approval of the Director of Personnel, the employee may serve overseas on a nonaccompanied tour prior to the spouse's obtaining U.S. citizenship. Approval will be contingent on the spouse's continued residence in the United States and verification that the original intent of the spouse to obtain U.S. citizenship still exists. Once the spouse obtains U.S. citizenship, subsequent assignment of the employee to the spouse's country of birth, country of former citizenship, or country of extended residence, or to a country where possible counterintelligence concerns are raised will require approval of the Deputy Director for Operations (DDO).
- (2) A security review of the spouse, generally in the third year after marriage, will be conducted and may include a polygraph examination, appropriate field investigation, or both.
- (3) Approval of the employee's request to remain in the employ of the Agency upon marriage to a foreign national will be valid for one year only. If the marriage does not take place within one year of the date of this approval, the employee must submit a new request with updated documentation prior to the marriage.

(2) PROCEDURES

- (a) An employee who contemplates marriage to a foreign national and wishes to remain in the employ of the Agency following the marriage must prepare a written request for permission to remain employed. The following must be prepared as attachments:
- (1) A letter of resignation stating the employee's intention to marry a foreign national, as well as an understanding that the Agency may not permit continued

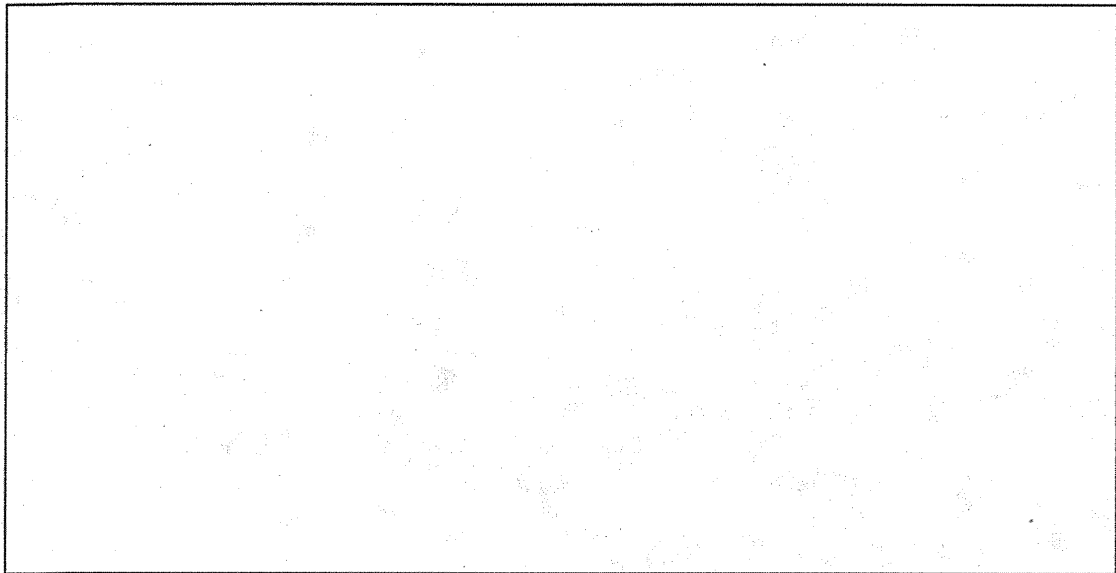
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employment after such marriage and that, should permission to remain employed be denied and the employee enters the marriage, the resignation will be acted upon and will be effective no later than 45 calendar days after the marriage takes place. The resignation also may be effected for security reasons at any time prior to the spouse's obtaining U.S. citizenship.

(2) A statement of the employee's understanding of the requirement for the prospective spouse to become a U.S. citizen and intention to file an application for naturalization as soon as eligible. Failure to apply for naturalization within the minimum time allowed by law and to complete the naturalization process as soon as possible will be grounds for termination of Agency employment. The Director of Personnel is responsible for ensuring compliance. The employee must inform the Director of Personnel of any circumstances which would prevent compliance with this policy. Communication of such circumstances to the Director of Personnel, however, does not, in and of itself, preclude acceptance of the employee's resignation or termination of employment.

(3) A clear color photograph of the prospective spouse.



(b) An employee serving in the headquarters area must submit the request and accompanying documents to the Director of Personnel, Attention: Special Activities Staff (SAS), with copies to the Head of the employee's Career Service, the Director of Security, and the Chief, Counterintelligence Center (CIC), DO, at least 120 calendar days in advance of the proposed date of marriage for review and a determination. The 120-calendar-day process does not begin until OS is in receipt of all of the official documents. The Head of the Career Service must provide the information required by HR 90-4e  for an employee who has a cryptographic clearance.

(c) If the employee is serving in the field, the Chief of Station (COS) 

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[] will forward two signed originals of the request and accompanying documents to headquarters, one to the attention of OS and the other to the employee's Career Service via the component. The latter will be responsible for ensuring that copies of the request and documents are sent promptly to CIC and to SAS/OP for processing. In order to make a determination, CIC and OS require 120 calendar days from receipt at headquarters of the pouched request and accompanying documents. The COS [] will transmit electronically to headquarters, on a priority basis, the information provided by the employee as well as the following:

- (1) Results of field traces and investigative inquiries on the prospective spouse and relatives as well as any other pertinent information or comments bearing on the background and reputation of the prospective spouse or having significance with respect to the future assignments of the employee.
 - (2) Recommendation and reasons for approval or disapproval.
 - (3) Information required by HR 90-4e [], if it is determined that suspension or revocation of an individual's cryptographic clearance would cause serious operational hardship or otherwise be determined not to be in the best interests of the Agency.
- (d) The Chief, CIC will advise the Directors of Personnel and Security of any counterintelligence concerns.
- (e) The Director of Security will:
- (1) Conduct a security investigation, including requests for additional field traces, as appropriate.
 - (2) Arrange for a polygraph examination of the prospective spouse and, if deemed necessary, the employee, in coordination with the Head of the Career Service and/or the DDO if the employee is overseas. The prospective spouse will be asked to sign a polygraph consent form at the time of polygraph testing.
 - (3) Review the results of the security processing and forward a recommendation to the Director of Personnel, the Head of the employee's Career Service, and the Chief, CIC.
- (f) The Director of Personnel, after consultation with the Director of Security, Chief, CIC, and the Head of the employee's Career Service, will approve or disapprove retention of the employee after marriage to a foreign national. The decision will be based upon security and counterintelligence concerns. A decision by the Director of Personnel to disapprove an employee's request may be appealed by the employee to the Executive Director (EXDIR) within 30 calendar days. In the event of disagreement among the interested components, the case, accompanied by a

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recommendation from the Director of Personnel, will be referred to the EXDIR for a decision. In cases in which the decision is referred to the EXDIR because of a disagreement among the interested components, a decision by the EXDIR to disapprove the request may be appealed by the employee within 30 calendar days to the Deputy Director of the Central Intelligence Agency (DD/CIA).

- (g) The Director of Personnel will inform the Head of the employee's Career Service, the Director of Security, and the Chief, CIC of the decision.
- (h) The Head of the employee's Career Service will ensure that the employee is informed immediately of the decision. If the request is denied, the Head of the employee's Career Service also will ensure that the employee is informed of the appeal privilege to the EXDIR from decisions made by the Director of Personnel or, if the Director of Personnel did not make a final decision in the case, to the DD/CIA from decisions made by the EXDIR. An appeal must be made in writing within 30 calendar days from the date the employee is informed of the denial and must contain an explanation of why it is being made and any additional information that may not have been presented initially for consideration. Appeals to the EXDIR will be forwarded through the Head of the employee's Career Service and the Director of Personnel. Appeals to the DD/CIA will be forwarded through the Head of the employee's Career Service, the Director of Personnel, and the EXDIR. The Head of the employee's Career Service will advise the Director of Security and the Chief, CIC of the employee's appeal. (C)

b. MARRIAGE TO CITIZENS OF THE UNITED STATES

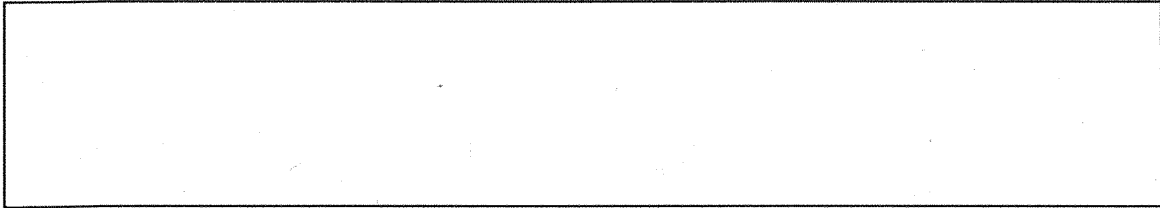
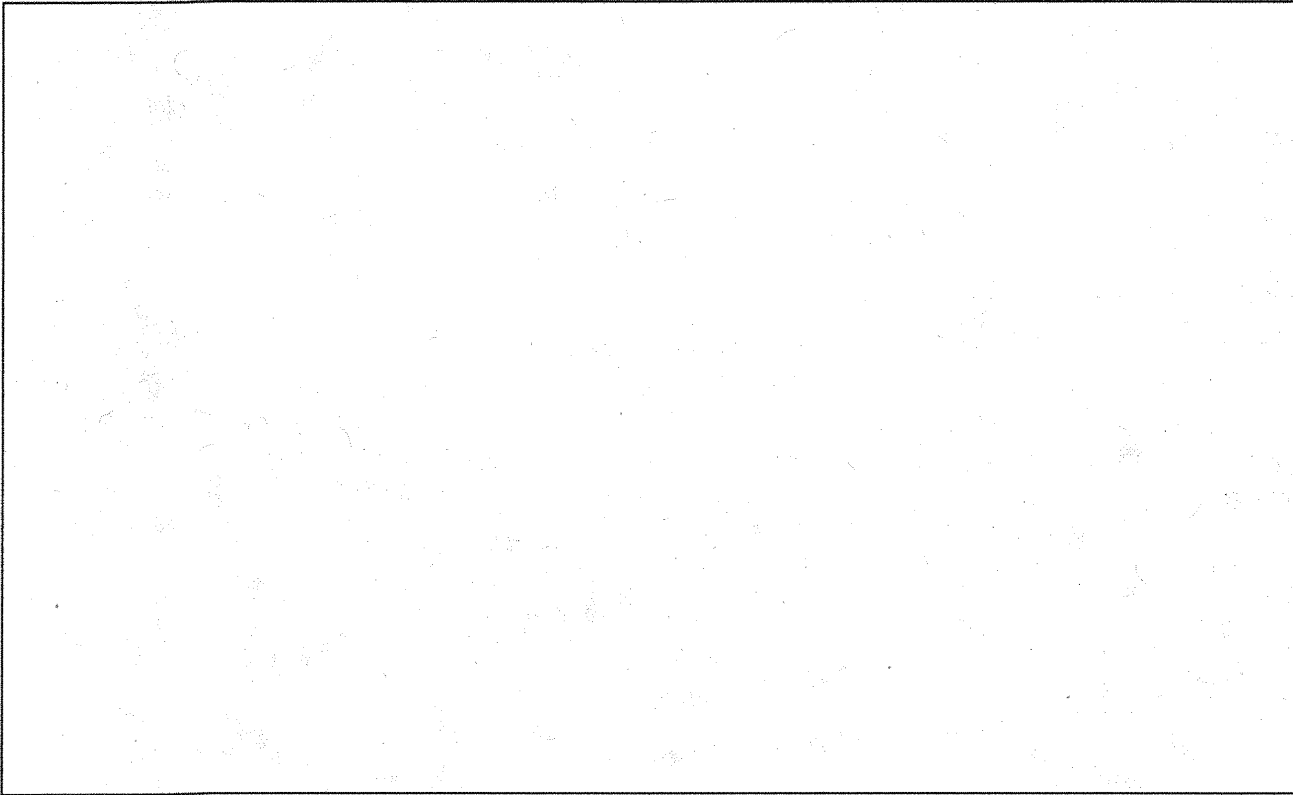
- (1) **POLICY.** Although prior permission to remain with the Agency after marriage is not required of an employee when the marriage is to a U.S. citizen, certain information regarding the spouse or prospective spouse is required by the Agency. If, after review of the information provided and any other appropriate inquiry, in the opinion of the Agency, the spouse or prospective spouse is found to be a security or counterintelligence risk or if the marriage may limit the usefulness of the employee, the marriage may be sufficient grounds for terminating employment or, should circumstances warrant, transferring the employee to other duties within the Agency. The procedures related to provision of this information differ, depending on whether or not the employee is under cover.

(2) PROCEDURES

- (a) The employee, except when marrying an Agency employee, must submit to the Agency basic biographic information on the spouse or prospective spouse who is a U.S. citizen.

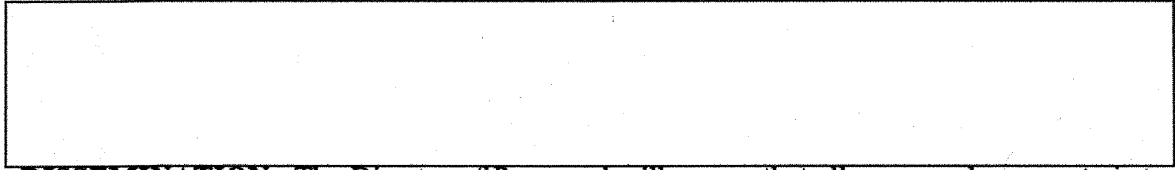
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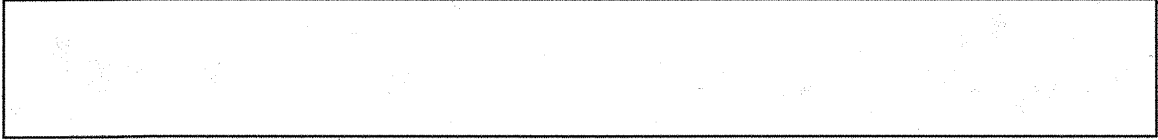
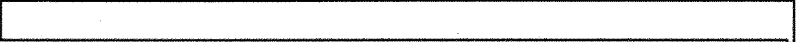
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- (b) The original and one copy of the memorandum or form must be forwarded at least 90 calendar days before the marriage or as soon as practicable to the Director of Security through the appropriate Operating Official or Head of Independent Office.
- (c) The Director of Security will conduct a security investigation of the spouse or prospective spouse. If information that would limit the usefulness of the employee is found, the Director of Security will advise the Operating Official or Head of Independent Office who will submit a recommendation for either retention or termination of employment. The Director of Personnel will review the recommendation and either will approve retention or forward the case to the Director of the Central Intelligence Agency (D/CIA) if termination of employment is recommended. The Director of Personnel will inform the Head of the employee's Career Service, the Career Service of assignment if different, and the Director of Security of the decision reached. The Head of the Career Service will advise the Operating Official or Head of Independent Office who is responsible for advising the employee. If termination of employment is recommended, the employee may submit an appeal to the D/CIA to accompany the Director of Personnel's recommendation, in accordance with the provisions of HR 20-27. (C)
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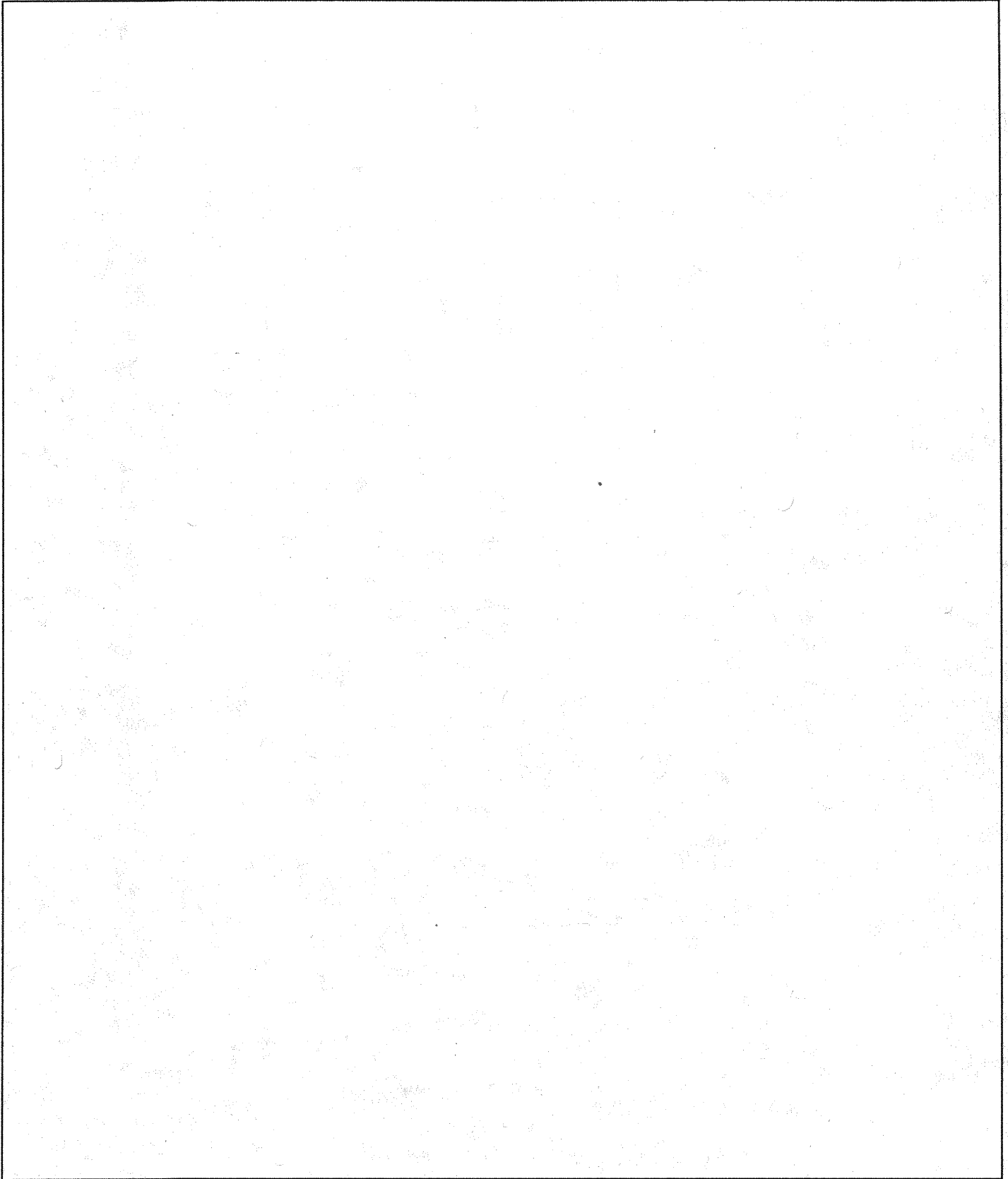


- e. **DISSEMINATION.** The Director of Personnel will ensure that all new employees entering on duty at headquarters are made aware of the provisions of this regulation as part of their entrance-on-duty processing.



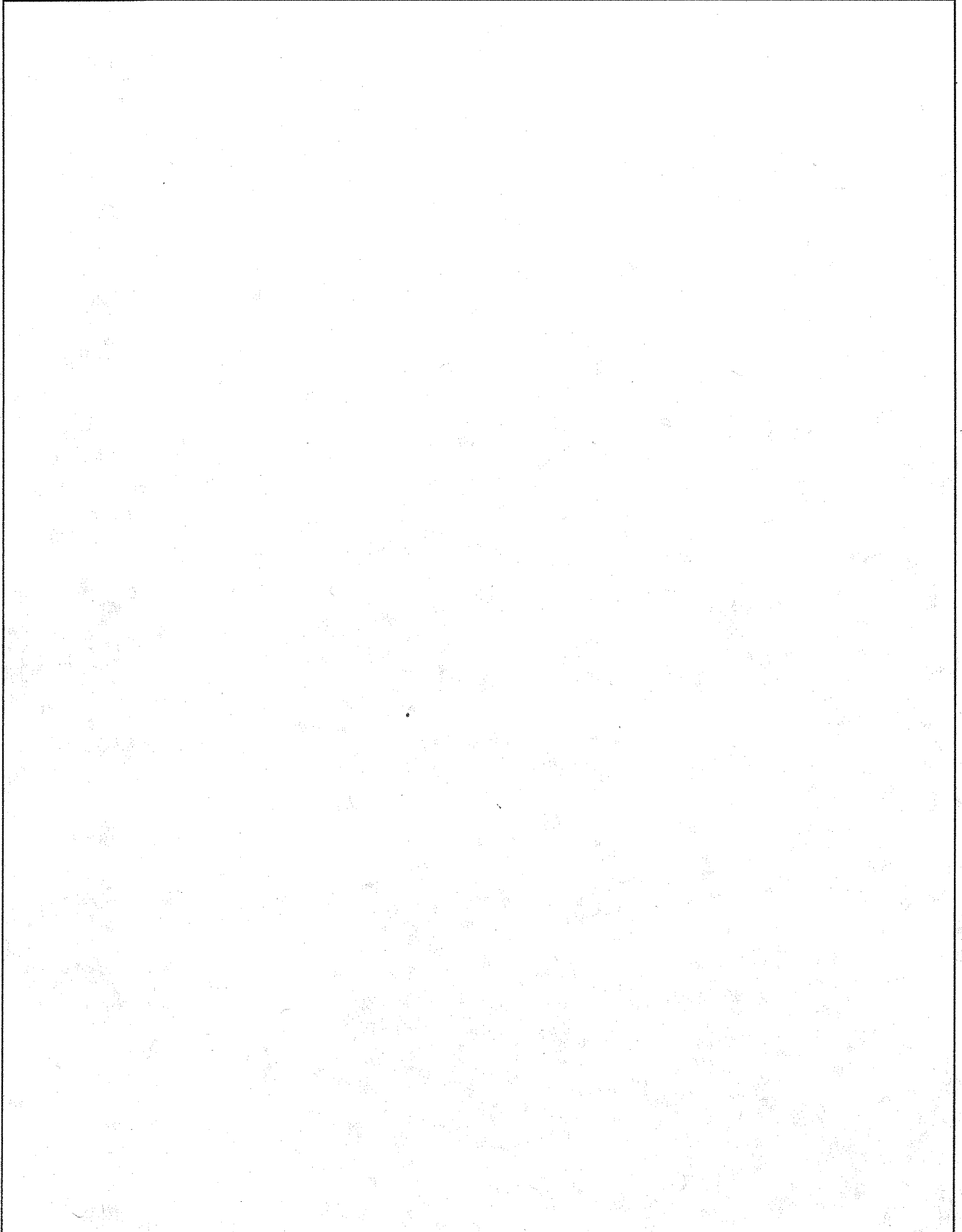
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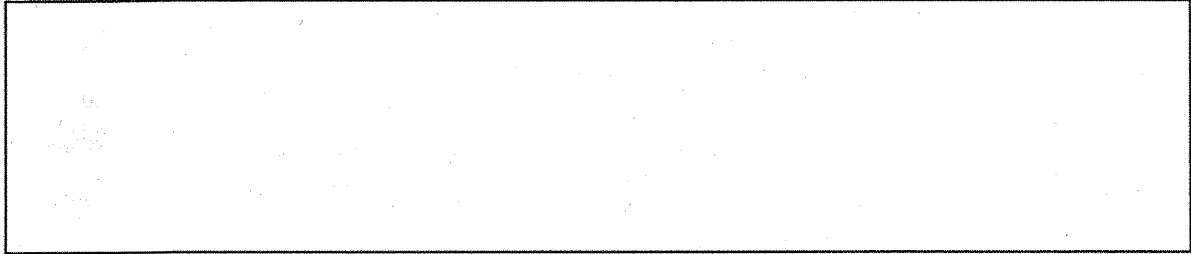
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