




U.S. Department of Justice

Foreign Claims Settlement Commission
of the United States

Washington, D.C. 20579

July 12, 2007

MEMORANDUM

TO: Mauricio J. Tamargo, Chairman
Stephen C King, Commissioner 

THRU: David E. Bradley, Chief Counsel

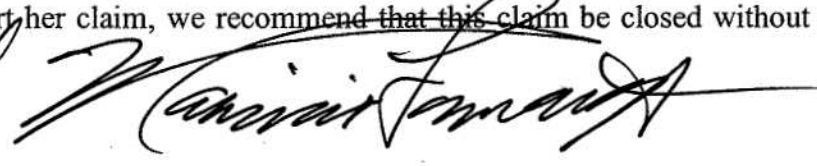
FROM: Jeremy LaFrancois, Staff Attorney

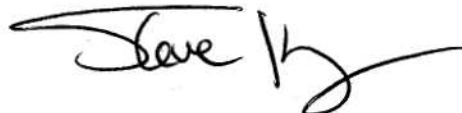
RE: No Further Action Recommendation, Claim No. ALB-103, Nikoleta Zguro

We reevaluated this claim because of the deletion of the residency requirement from the claims agreement. The claim was initially denied on January 28, 1997 based on the residency requirement. In the decision it was noted that the claimant's United States citizenship had not been proved and without such proof the Commission lacked jurisdiction over her claim. Two letters have been sent to the claimant, the first on June 6, 2006 and the second October 18, 2006. Neither was returned undeliverable to the Commission. The claimant was informed in the letters that if she were not to respond the file would be closed out and returned to storage. To date the claimant has not responded to either of the Commission's letters.

This claim involves property owned by the claimant's grandfather which claimant asserts was expropriated by the communist regime between 1945 and 1950. Claimant's grandfather was a United States citizen at the time of expropriation. The claimant has provided a Testimonial of Inheritance from Albania indicating that half of her grandfather's estate was inherited by her mother in 1962. Further, claimant has provided a Testimonial of Inheritance from Albania indicating the claimant inherited one fourth of her mother's estate in 1992; claimant's mother was a United States citizen by birth. Claimant indicated that she was an Albanian citizen on her claim form and has not provided any documentation in support of her status as a United States citizen.

In light of the fact that the initial Proposed Decision referenced the lack of proof of United States citizenship as a ground for dismissal of this claim and claimant's failure to submit the evidence needed to support her claim, we recommend that this claim be closed without further action.

approved 

Done by 

The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, or other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

The Agreed Minute to the Settlement Agreement further provides:

For purposes of article 1, the term "United States nationals" shall include dual United States-Albanian nationals only if those nationals are domiciled in the United States currently or for at least half the period of time between when the property was taken and the date of entry into force of the agreement.

In effect, this residency requirement limits the Commission's jurisdiction over the claims of dual nationals to those cases where the owner of the claim either (1) was domiciled in the United States on April 18, 1995 (the effective date of the Settlement Agreement), or (2) was domiciled in the United States for at

least half the period of time between the date the property was expropriated and April 18, 1995.

Claimant here seeks compensation for real property -- including 7.5 hectares of land in Vlocisht, 3 hectares in Boboshtice, an 8-room residence in the city of Korce, and a 4-room residence in the city of Korce -- all said to have been expropriated by the Albanian Government at various times from 1945-46 through 1950. At that time, according to claimant, the property was owned by her maternal grandfather, George S. Zaharia (Jorgaq, or Jorgji, Stavre Zaharoff or Zaharov), who was assertedly naturalized as a United States citizen in 1918 and who died in Albania in 1962. The claimant further states that her mother, Melpomeni Zguro (a U.S. national by birth abroad to a U.S. citizen), inherited one-half of her father's estate upon his death; and that claimant in turn inherited one-fourth of her mother's estate upon her mother's death in Albania in 1992.

Unfortunately, for the reasons explained in the Commission's May 17, 1996 letter to claimant and discussed below, the Commission cannot consider this claim.

Assuming claimant was born between 1934 and 1941 (and thus has the U.S. nationality of her mother), claimant is a dual U.S.-Albanian national, because her father was an Albanian citizen. Under Albanian law, claimant retains Albanian nationality notwithstanding her U.S. nationality by birth. Because claimant is a dual United States-Albanian national, the Commission is constrained to apply the residency requirement in the Agreed Minute to the Settlement Agreement.

There is no indication that claimant here was living in the United States as of April 18, 1995. Moreover, it appears that claimant's grandfather and her mother left the United States in 1935 (before any of the expropriations occurred) and were never able to return, and that claimant herself has never lived in the United States. The claim therefore was not owned by someone living in the United States for at least half the time between April 18, 1995 and the dates of the various expropriations.

Because the owner of the claim was not domiciled in the United States as of April 18, 1995, and was not domiciled in the United States "for at least half the period of time between when the property was taken" and April 18, 1995, the residency requirement is not satisfied and the claim is not within the scope of the Settlement Agreement. Accordingly, while the Commission

sympathizes with claimant for the loss of her family's property, the Commission must dismiss the claim for lack of jurisdiction.*

Although this Commission has no jurisdiction to consider the claim, claimant should be entitled to seek relief through the Albanian Government. The Government of Albania is obligated by the Settlement Agreement to afford U.S. nationals the same rights it affords Albanian nationals to pursue and receive compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by the Albanian Government. Settlement Agreement, Article 6. The Commission's May 17, 1996 letter to claimant advised claimant to contact the Albanian authorities directly if she wishes to pursue such a claim.

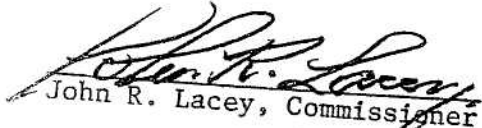
*If claimant was born after 1941, she does not have U.S. citizenship through her mother, and the Commission lacks jurisdiction over her claim for that reason. The Settlement Agreement provides only for compensation of "United States nationals." If claimant is not a U.S. national, her claim is outside the scope of the Settlement Agreement.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, DC and entered as the Proposed Decision of the Commission.

JAN 28 1997


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on ~~MAR 25 1997~~

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. 531.5 (e) and (g) (1995).