

Conference on Jewish Material Claims Against Germany, Inc.

Hardship Fund

Updated March 19, 2009

**Please read these instructions carefully before completing the application.
There is no fee to obtain or submit this application.**

We understand that filling in this form is difficult for those who have suffered so much. This information is required to process this application. We will endeavor to do so as quickly and sensitively as possible.

Eligibility Guidelines

The 1969 filing deadline of the German Federal Indemnification Law (BEG) rendered it impossible for Jewish Holocaust survivors residing behind the Iron Curtain to receive compensation. In response to the waves of emigration of Jewish Holocaust survivors from Central and Eastern Europe and the Soviet Union during the 1970's, the Claims Conference, on behalf of Holocaust survivors, sought the reopening of the BEG filing period to no avail. However, the Claims Conference was successful in its negotiations with the German government for the establishment in 1980 of the Hardship Fund. The Hardship Fund was established for the purpose of providing compensation to Jewish persecutees who suffered considerable damage to health as a result of Nazi persecution, are in special need¹, and did not apply for compensation for their suffering under the German Federal Indemnification Law². Compensation is in the form of a one-time payment of DM 5,000 (Euro 2556.46). Funding is provided by, and according to the regulations of, the German government, but the fund is administered by the Claims Conference.

PERSONS WHO CURRENTLY RECEIVE A MONTHLY PENSION UNDER THE GERMAN FEDERAL INDEMNIFICATION LAW (BEG), THE ARTICLE 2 FUND, THE CENTRAL OR EASTERN EUROPEAN FUND (CEEF), OR A PENSION FROM THE ISRAELI MINISTRY OF FINANCE UNDER THE ISRAELI NAZI PERSECUTION DISABLED PERSONS LAW 5717-1975 CANNOT ALSO RECEIVE A PAYMENT FROM THE HARDSHIP FUND.

IN ADDITION, PERSONS WHO RECEIVED A PAYMENT UNDER THE GERMAN FEDERAL INDEMNIFICATION LAW (BEG) OR FROM A GLOBAL AGREEMENT³ ARE ALSO PRECLUDED FROM RECEIVING A PAYMENT UNDER THE HARDSHIP FUND.

¹ Due to recent changes in the eligibility criteria, there is no longer an income limit for applicants to the Hardship Fund. For cases that may be eligible for a Hardship Fund payment as a result of the change in the criteria relating to need, applications that had already been submitted to the Claims Conference prior to the amendment, will be considered as new applications as of the date of the amendment and thus must fulfill the Hardship Fund criteria as of 12 February 2003. For new applications, the date of receipt of the application applies.

² If an applicant did not reside in a former Communist bloc country prior to the filing deadline for compensation under the West German Federal Indemnification Law (December 31, 1969) and did not file a timely claim, the applicant is required under the guidelines to present a reason(s) for not having done so. As of March 19, 2009, the German Government has stated that applicants who did not reside in former Communist bloc country prior to 31 December, 1969 will not be required to answer a question as to why they did not file a timely claim.

³ See further information on this issue on page 2.

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VICTIMS OF NAZI PERSECUTION WHO CURRENTLY RESIDE IN FORMER COMMUNIST BLOC COUNTRIES OF EASTERN EUROPE ARE NOT ELIGIBLE FOR THE HARDSHIP FUND.

Payments under the Hardship Fund are limited to Jewish Nazi victims who meet the following eligibility criteria:

- The applicant suffered considerable damage to health which the applicant may prove by demonstrating that either:
 - (1) The applicant suffered deprivation of liberty for at least one year on Nazi-occupied territory or in the following Nazi allied countries: Hungary, Slovakia, Bulgaria, Romania or Yugoslavia. **Please note:** “Deprivation of Liberty” for racial reasons committed by the governments of Bulgaria, Romania and Hungary is deemed to have been caused by Nazi Germany beginning from April 6, 1941 **OR**
 - (2) The applicant’s earning capacity was generally reduced by 80% or 50% as a result of persecution, at the date of filing of the application. **Please Note:** this requirement applies only if the applicant is under the age of 60 (for women) or 65 (for men) at the date of filing of the application. Female persecutees aged 60 or older and male persecutees aged 65 and older are deemed to suffer from a reduction of earning capacity of 80% and do not have to prove having suffered considerable damage to health.

Persecution for the purposes of eligibility in the Hardship Fund include, amongst others:

- (i) deprivation of liberty for less than one year or
- (ii) flight from the Nazi regime or
- (iii) “restriction of liberty” as defined by the BEG
- (iv) persons who stayed in Leningrad at some time between September 1941 and January 1944 or if they fled from there during this period. *

*All applications already submitted to the Claims Conference from persons who stayed in Leningrad at some time between September 1941 and January 1944 prior to the amendment will be considered to be new applications and eligibility will be based upon fulfilling the Hardship Fund criteria as of 4 June, 2008. For new applications, eligibility will be based on fulfilling the Hardship Fund criteria as of the date of receipt of the application.

Nazi victims who were citizens of the same Western European country at the time of persecution and at the time of the Global Agreement between this Western European country and the Federal Republic of Germany (“western persecutees”) and who did not receive a payment from the Global Agreement are not currently receiving payments from the Hardship Fund. Applications from “western persecutees” are not being processed at this time. An applicant is considered to be a “western persecutee” if the applicant was a citizen of one of the following countries at the time of

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persecution and in the year stated: Austria (only citizenship before 13 March, 1938 is relevant, Belgium (1960), Denmark (1959), France (1960), Greece (1960), Holland (1960), Italy (1961), Luxembourg (1959), Norway (1959), Sweden (1964), Switzerland (1961), United Kingdom (1964).

Applicants are advised that it has been clarified by Germany that the Hardship Fund will process applications from applicants that were a fetus at the time of their mother's persecution. For applications already submitted to the Claims Conference prior to the clarification, applications will be considered to be new applications and eligibility will be based upon fulfilling the Hardship Fund criteria as of 4 June, 2008. For new applications, eligibility will be based upon the fulfilling the Hardship Fund criteria as of the date of receipt of the application.

Second Application

The German Government has determined that as of 19 March, 2009, applicants who were rejected from the Hardship Fund will be entitled to submit a second application subject to the following conditions:

- The Claims Conference is only permitted to accept second applications from applicants that are alive as of 19 March, 2009. For any applicants who are alive as of 19 March, 2009 and pass away after that date, the Claims Conference is permitted to accept second applications from the spouse, or if the spouse is deceased, the child(ren) of the applicant. Any applications from such a spouse or child(ren) must be received by **31 December, 2010**.
- Nazi victims who have received compensation from a German source, such as the BEG, Article 2 Fund, CEE Fund, the Hardship Fund or from the Israel Ministry of Finance under the Law for Disabled Nazi Persecutees are not entitled to receive a payment.
- Persons, who in connection with an application for one time payment in accordance with the Hardship Fund Guidelines received a payment from the Claims Conference are not entitled to apply.
- Eligibility will be based on the whether the applicant filing the second application fulfills the criteria of the Hardship Fund as of the date of filing the second application.

Persons who were rejected and who wish to file a second application must complete a special Second Application Short Form. Please contact your local office to have this sent to you. In order to expedite processing as much as possible, please do not use the regular Hardship Fund form that appears on the Claims Conference website.

Instructions

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Before completing the questionnaire, please familiarize yourself with the eligibility requirements for payments from the Hardship Fund as well as with the instructions concerning specific points of the questionnaire. **The application form must be completed in English, German or French.**

Please note: In principle, heirs are not entitled to apply for a Hardship Fund payment. If an applicant was previously rejected and was alive on 19 March, 2009 and passed away after that date, the spouse or if the spouse is deceased, the child(ren) of the applicant may submit a second application - provided such applications from a spouse or child are received by 31 December 2010. Please carefully read the rules on second applications set forth above. If you think you may be entitled to file a second application, please contact your local office for a Second Application Short Form.

Please note that we require that you provide photocopies of the following documents when submitting your application (do not send original documents):

- birth certificate;
- marriage certificate;
- other documents relating to change of name (if relevant);
- identification card (ID card or passport) and permanent residence permit, if applicable;
- for US applicants: social security card and one of the following: white immigration card with your registration card, or green card or other proof of US immigration status or citizenship.

Please note that the following will assist us in expediting the processing of your claim:

- any documentary proof of being interned in a ghetto or labor camp, life in hiding or under false identity, or any other document proving your suffering during World War II;
- any documentary proof of flight or emigration;
- copies of your sibling's or children's birth certificates, if born immediately before, during or after persecution; and
- copies of any diplomas or certificates that you might have in your possession concerning the period immediately prior to persecution or immediately after liberation; and
- other documentary proof of residence immediately prior to persecution or immediately after liberation.

We suggest that you keep a copy of your completed application form and attachments.

Applicants not found eligible will have the right of appeal to the Independent Review Authority of the Claims Conference.

Important Note: The eligibility criteria are correct as of 19 March, 2009. All applicants are urged to check the Claims Conference website (www.claimscon.org) regularly as amendments to the criteria and clarifications are posted as they become available.

SUPPLEMENTARY INFORMATION

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A Court decision in Israel, that is not final and that may be subject to appeal, indicated that certain information should have been provided to applicants to the Hardship Fund. The inclusion of such information, set forth below, should not be taken as an endorsement or otherwise of the findings of the Court.

- There is no certainty as to how long the German Government will continue to fund the Hardship Fund. Funding for the Hardship Fund is negotiated annually by the Claims Conference with the German Ministry of Finance.
- Except as otherwise stated in these Guidelines, applicants who are under age 65 (for men) or 60 (for women) will be asked to provide medical documents as to their health condition as of the date of application and these medical documents will be sent to an independent medical examiner who shall assess the degree of loss of earning capacity based upon the medical documents provided by the applicant.

PLEASE READ THE DECLARATION AT THE END OF THE APPLICATION VERY CAREFULLY PRIOR TO SIGNING THE APPLICATION FORM.

Applications must be submitted with an original signature, dated and notarized (by a notary public, bank, German consulate or a Jewish social service agency possessing a seal).

The completed and signed questionnaire should be submitted by:

- Residents of Israel to:
Claims Conference
Hardship Fund
8 Ha'arbaa Street
P.O. Box 29254
Tel Aviv, Israel 61292
Tel: 972-3-519-4401
Fax: 972-3-624-1056
- Residents of Western Europe to:
Claims Conference
Hardship Fund
Sophienstrasse 44
60487 Frankfurt am Main
Germany
Tel: 49-69-970-701-0
Fax: 49-69-970-701-40
- Residents of United States and all other countries to: Claims Conference

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Hardship Fund
1359 Broadway, Suite 2000
New York, NY 10018
Tel: 646-536-9100
Fax: 212-685-5299