

# Conference on Jewish Material Claims Against Germany, Inc.

## Hardship Fund

Updated June 26, 2012

**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 need<sup>1</sup>, and did not apply for compensation for their suffering under the German Federal Indemnification Law<sup>2</sup>. 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 OR DID RECEIVE A PAYMENT UNDER THE GERMAN FEDERAL INDEMNIFICATION LAW (BEG); THE ARTICLE 2 FUND; THE CENTRAL AND EASTERN EUROPEAN FUND (CEEFF); UNDER THE AUSTRIAN LAW REGARDING RELIEF FOR VICTIMS (OFG); FROM BERLIN UNDER THE LAW ON RECOGNIZING AND SUPPORTING PEOPLE PERSECUTED BY THE NAZIS FOR POLITICAL, RACIAL OR RELIGIOUS REASONS (PrVG); A GDR COMPENSATION PENSION FOR VICTIMS OF THE NAZI REGIME (VdN) OR A PENSION FROM THE ISRAELI MINISTRY OF FINANCE UNDER THE ISRAELI NAZI PERSECUTION DISABLED PERSONS LAW 5717-1957 CANNOT ALSO RECEIVE A PAYMENT FROM THE HARDSHIP FUND.**

<sup>1</sup> Due to 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.

<sup>2</sup> 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.

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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. THE HOLOCAUST VICTIM COMPENSATION FUND IS AVAILABLE TO ELIGIBLE APPLICANTS LIVING IN FORMER EASTERN BLOC COUNTRIES THAT ARE MEMBERS OF THE EUROPEAN UNION (see [www.claimscon.org/hvcf](http://www.claimscon.org/hvcf))**

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

- The victim has to be alive at the time of filing the application. Heirs are not eligible to file an application. **If an applicant was ineligible at the time of application but at a later date became eligible due to changes in the criteria, the applicant must be alive as of the date the criteria under which they are eligible took effect in order to receive payment.**
- The applicant suffered considerable damage to health. This considerable damage to health is assumed for women over 60 and men over 65 years of age in terms of easing the burden of proof.

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

- (i) deprivation of liberty or
- (ii) flight from the Nazi regime or
- (iii) “restriction of liberty” as defined by the BEG and/or
- (iv) restriction of movement like curfew, compulsory registration with limitation of residence, wearing the Star of David etc.<sup>3</sup>
- (v) 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.

As of January 1, 2012 applicants may now be eligible for a payment from the Hardship Fund if they fled between June 22, 1941 and January 27, 1944 from areas of the Soviet Union that were generally up to 100 kilometers from the most easterly advance of the German army (Wehrmacht) but were not later occupied by the Nazis. Those eligible will include Jews who fled from Moscow and Stalingrad during the relevant dates. Eligible victims will also include those who fled from Leningrad after June 22, 1941 but before the siege of that city commenced in September 1941.

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<sup>3</sup> In order to qualify for a payment based on this clarification of the eligibility criteria, an applicant must have met all the other criteria of the Hardship Fund as of March 10, 2010 or at the date of applying (if this is after March 10, 2010)

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As of January 1, 2012, eligible for a one-time payment of €1,900 may be those living in former Soviet bloc countries who were born 1928 or later and were orphaned due to Nazi persecution (both parents were killed due to persecution). To be eligible, applicants may not have received any previous compensation from a German source (including but not limited to Hardship Fund, Budapest Fund, Holocaust Victims Compensation Fund, Article 2 Fund, Central and Eastern European Fund, German Federal Indemnification Law – BEG (Bundesentschädigungsgesetz, or Israel Ministry of Finance under the Israeli Nazi Persecution Disabled Persons Law 5717-1957). and must meet the same criteria as that of the Hardship Fund.

As of January 1, 2012, 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”) may now be eligible to receive a payment from the Hardship Fund if they did not receive a prior payment from a German source or the Global Agreement. 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 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). Former Austrian Jews will not be eligible if they received a previous payment from the Victims Assistance Act (Oferfursorgegesetz).

Applicants are advised that it has been clarified by Germany that the Hardship Fund will process applications from applicants who 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:

- Nazi victims who have received compensation from a German source, such as the BEG, Article 2 Fund, CEE Fund, the Hardship Fund, under the Austrian law regarding relief for victims (OFG), from Berlin under the law on recognizing and supporting people persecuted by the Nazis for political, racial or religious reasons (PrVG), a GDR compensation pension for victims of the Nazi Regime (VdN) 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.

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- Eligibility will be based on 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**

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 that we require that you provide certified photocopies of the following documents when submitting your application:

- 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.

Copies of birth certificates and marriage certificates must be authorized by **one** of the following:

- Notary public
- German consulate
- Bank
- Amcha office in Israel
- Governmental office of the State of Israel
- Jewish social service agency possessing a seal.

Copies of other documents do not need to be authorized at this time.

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

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- 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 December 25, 2011. All applicants are urged to check the Claims Conference website ([www.claimscon.org](http://www.claimscon.org)) regularly as amendments to the criteria and clarifications are posted as they become available.**

#### *SUPPLEMENTARY INFORMATION*

A Court decision in Israel 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.

**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 application form should be submitted in the original by:

- Residents of Israel to:  
Claims Conference  
Hardship Fund  
8 Ha'arbaa Street  
P.O. Box 29254  
Tel Aviv, Israel 61292  
Tel: 972-3-519-4400  
Fax: 972-3-624-1056
- Residents of all other countries (except former Communist bloc countries of Eastern Europe) to:  
Claims Conference  
Hardship Fund

**Conference on Jewish Material Claims Against Germany, Inc.**

**Hardship Fund**

Sophienstrasse 44  
60487 Frankfurt am Main  
Germany  
Tel: 49-69-970-701-0  
Fax: 49-69-970-701-40

or to:

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