

# **Legislative amendments concerning the so-called ghetto pensions from the German pension insurance (ZRBG Amendment Act)**

## **Frequently asked questions**

### **1. Who is affected by the amendments of the ZRBG (Ghetto Pensions Act)?**

- The amendments affect persons whose pensions were awarded retroactively, after the Federal Social Court had changed its jurisdiction in 2009, and started late, generally from January 2005, as a result of the restrictions of the four-year retroactivity period.
- They also affect those whose pensions commenced later because they had filed their pension applications after 30 June 2003. (This application deadline will cease to apply.)
- Moreover, they affect persons whose pension applications were denied or who did not file an application because the ghetto was not located in a territory occupied or annexed by the Third Reich, but in a territory that was merely "under Nazi influence". This applies to ghettos in Slovakia, Romania and Shanghai among others.

### **2. What are the provisions of the new Act?**

- All ghetto pensions can now be paid retroactively with effect from 1 July 1997 provided the eligibility requirements such as minimum age and minimum insurance period are met.
- Persons already receiving pensions that started later can have their pensions paid retroactively from the earliest possible date (which is 1 July 1997). In that case, arrears of pension will in general become due. From the same time, the monthly amount of the pension will be lower. The reason is that the pension increments paid for the delayed commencement of pension payments become obsolete. If you wish to avoid this, you should keep the pension you have; in that case arrears of pension do not arise.
- Moreover, the limitations concerning the location of the ghettos were widened. Up to now ghettos must have been located in "a territory occupied or annexed by the Third Reich" Now ghettos located in a "territory under Nazi influence" also qualify. This means that a ghetto

in Slovakia for instance is now also accepted for ghetto pension claims.

**3. I already receive a ghetto pension that has been paid since 1 July 1997. Do the changes affect me? What do I have to do?**

- Nothing changes for you. There is nothing you need to do; your pension continues to be paid as usual.

**4. I receive a ghetto pension that started later than July 1997. What do I have to do to have my pension paid from July 1997?**

- If the German pension insurance already pays you a pension for your work in the ghetto, you don't have to do anything to start with.
- German pension insurance will send you an information letter. It tells you when your pension could start at the earliest and in what amount it would then be paid. It also gives the likely amount of the arrears of pension payable in that case. The arrears give rise to interest payments that are not yet shown in the letter.
- With the letter the German pension insurance will ask you to let them know whether you wish to receive your pension from the earlier date. In that case your pension will be "reassessed". You are therefore asked if you wish your pension to be reassessed.
- If you opt for the earlier commencement of your pension, you should tick the corresponding box in the form and send it to the pension insurance to have your pension reassessed and paid out at the new rate.

**5. When will I have the letter from pension insurance?**

- As soon as the new Act enters into force, pension insurance will start to send out the information letters. This is expected to be 1 August 2014.
- It will take several months to send out all the letters. So please do not worry if you do not get the letter immediately in August or September 2014.

**6. Are information letters sent out according to a specific order? Can I do something to get it more quickly?**

- The German pension insurance will start by writing to the most senior beneficiaries.
- All beneficiaries with pensions starting later than July 1997 will be informed as quickly as possible. Beneficiaries do not need to take action themselves.
- If you have not heard from the German pension insurance by the end of 2014, please contact your pension office. You will find its address on your pension award letter or on your last pension adjustment information letter.
- Should you not find the address, you can write to Deutsche Rentenversicherung Bund, 10704 Berlin, Germany. Please state your insurance number (*Versicherungsnummer - VSNR*). If you do not know your insurance number, state your date of birth and give as reference "*Ghettorente*" (ghetto pension) or "*Rente nach dem ZRBG*" (ZRBG pension).

**7. Will my pension payments be higher when the pension starts earlier?**

- There is no general answer to this question. When the pension starts earlier, monthly pension payments will be lower, but normally arrears of pension become due (see also answers to questions 2 and 14).
- Each beneficiary has to decide for him or herself whether it is more favourable to have an earlier start of the pension with arrears and lower monthly pension payments or to continue drawing the higher monthly pension payments without arrears. This depends on how long the pension is likely to be received. Whether a widow's or widower's pension will eventually have to be paid might also play a role in the decision.

**8. I hired a lawyer to represent me in my ghetto pension matters. Will the information letter go directly to the lawyer?**

- No, in general the information letter is sent to you directly.
- However, it will be sent directly to the authorised lawyer if you filed an objection to or brought action against the pension award decision and the case is still pending.

- It will also go to the authorised lawyer if he already filed an application for the reassessment of your pension in view of the change in legislation.
- You can revoke the power of attorney at any time, for instance if you wish to avoid further costs for the lawyer's services. In that case please inform your pension office stating your insurance number (Versicherungsnummer - VSNR).

**9. In what language are the information letters from the pension insurance?**

- The information letters are in German, English, Hebrew, Russian, French, Hungarian or Czech depending on where the claimant lives.

**10. Could I have a model of such an information letter beforehand?**

- We will be pleased to provide you with a copy of the information letter and the reply form (forms "ZRBG 932"/ "ZRBG 933").

**11. What happens after I sent my reply to the German pension insurance? How long will it take until I get my arrear payment?**

- If you informed pension insurance that you opt for an earlier start of your pension, they will reassess your pension and send you a new pension award letter.
- It will show the new - lower - amount of your monthly pension and the arrear payment to which you are entitled. Because of the new date of calculation the amount of the arrear payment will differ slightly from the amount shown in the information letter. This is quite normal and not a mistake.
- The new pension award letter also shows the amount of interest to which you are entitled.
- Since several thousand pensions have to be reassessed, this might take some time. But the pension insurance institutions will process the applications as quickly as possible.

**12. What will be the amount of my arrear payment if I opt for an earlier start of my pension?**

- There is no general answer to this question, since this depends on the pension amount which varies greatly among beneficiaries.
- Assuming the current pension amount is €200 per month, arrear payments of around €7,000 in total might be expected.
- The amount of arrear payment that you could roughly expect is shown in the information letter you will receive from the German pension insurance.

**13. Will I receive interest on my arrear payment?**

- Yes, interest on the arrears is paid at a rate of 4% a year.
- The exact amount of the interest that you will receive is shown in the new pension award letter that you will receive once you requested an earlier start of your pension.
- The information letter does not show the interest payment since interest is determined only when your pension is actually reassessed.

**14. Could it be that my pension is less when I opt for an earlier start and hence for the reassessment of my pension?**

- Yes, the amount of the monthly pension is less when the pension starts from an earlier date.
- The reason is that your current pension includes increments payable for each year after age 65 in which you did not receive the pension.
- If you receive a pension that, for instance, started on 1 January 2005 rather than on 1 July 1997, your pension includes increments of 6% for each year for the period 1 July 1997 to 31 December 2004 (totalling 45% for the 7½ years). If your pension is recalculated (reassessed) with retroactive effect from 1 July 1997, increments for the period from July 1997 to December 2004 are no longer due. The monthly amount of the pension will decrease as a result. The overpaid increments for the period from January 2005 will be recovered by deducting them from the arrears of pension accruing for the time from July 1997 to December 2004.

**15. Do I have to file an entirely new application when I wish draw my pension from an earlier date?**

- No, when you already receive a recurrent pension that includes ZRBG periods, you do not need to file a new application. German pension insurance will send you a form on which you can tick a box to indicate that you wish to have your pension reassessed with effect from an earlier date.

**16. Are there deadlines I have to be aware of?**

- No, there are no deadlines for applications under the amended law. You can file an application any time.
- However, if you wish to draw your pension from an earlier date (July 1997 at the earliest), you should reply to the information letter of the German pension insurance if possible within 3 months so that the arrears of pension can be paid out to you as soon as possible.

**17. Do I have to hire a lawyer to get payments under the new Act?**

- No, it is not necessary for you to hire a lawyer.
- German pension insurance will contact you of its own initiative and send you a simple and easy to understand letter. You can tick a box in the enclosed form to indicate whether you wish to receive your pension from an earlier date.

**18. I receive a widow's pension that includes ghetto periods, and the pension does not start with the month of death but later. Can I also have my widow's pension from an earlier date? Do I have to take action myself?**

- No, you do not need to take action yourself. The German pension insurance will check whether your pension could start earlier.
- If this is the case, they will contact you.

**19. My spouse died. He received a ghetto pension that started late. Can I apply for an earlier start of his/her pension and will I receive it from an earlier date?**

- As a widow or widower you can apply for the reassessment of the pension of your late spouse and you will receive the corresponding arrears of pension.

- But please bear in mind, that in that case your widow's/widower's pension will also be reassessed and that your resulting monthly pension will be lower. The reason is that the increments included in the deceased spouse's pension become obsolete (see also answer to question 14).
- These increments are partly reflected in your widow's/widower's pension which is derived from the pension of the deceased spouse. If the pension of the deceased spouse is reassessed under the aspect of an earlier pension start, your survivor's pension must be reassessed alike. In consequence, increments are no longer payable and the monthly pension amount will be lower.

**20. I am heir to a former ghetto worker who received a ghetto pension which started later. Can I apply for an earlier start of the deceased's pension and will I receive it from an earlier date? What do I have to do? Do I have to present a certificate of inheritance?**

- As an heir you can apply for payment of the pension from an earlier date. To this end, please contact the German pension office that last paid the pension.
- If pension insurance verified that an earlier start of the pension is possible, you will receive arrears of pension for the period ending with the month in which the deceased died.
- For this purpose, you have to submit a certificate of inheritance to the pension office.

**21. I am heir to a former ghetto worker. He did not apply for a ghetto pension during his lifetime. Can I apply for and receive the ghetto pension in his stead.**

- No, this is not possible. The right of application is a very personal right which can only be exercised by the beneficiary him or herself.

**22. Does the fictitious application date 18 June 1997 apply to all applications for ZRBG pensions, previous and future ones?**

- All applications filed after the entry into force of the ZRBG Amendment Act (expected for 1 August 2014) are deemed to have been filed on 18 June 1997, with the consequence that the

respective pensions can start on 1 July 1997 - provided all other requirements are met.

- Current ZRBG pensions which a later start can be paid from the earliest possible date, i.e. from July 1997 at the earliest. In these cases the German pension offices will contact the beneficiaries by sending them an information letter outlining the specific effects of the amended law (see answers to questions 2 and 4). An application is not required.

**23. I receive a pension based on periods of ghetto work and contribution periods from other employment (before and/or after the war). Does the earliest possible date for the start of the pension, i.e. 1 July 1997, apply to the full pension or only to those parts that are based on periods of ghetto work?**

- In general, July 1997 as the earliest possible date for the start of the entire pension applies to the full pension.
- However, when a pension commenced before 1 July 1997 (on the basis of contribution periods from other employment before and/or after the war), the share of the pension that reflects ghetto employment recognised under ZRBG is paid from 1 July 1997 at the earliest.

**24. Is the Shanghai ghetto recognised under the ZRBG Amendment Act?**

- Yes, the Shanghai ghetto will also be recognised for establishing entitlement to a ZRBG pension.

**25. My application for a ghetto pension was denied because the ghetto was located in Slovakia/Romania/Shanghai. Will the German pension insurance review my former application for a pension out of their own initiative, or do I have to contact them?**

- The German pension offices will review the previously denied applications ex officio and contact the claimants.
- You may also turn to your pension office and, stating your insurance number (*Versicherungsnummer - VSNR*), request a review of your previous application in the light of the ZRBG Amendment Act.



- If you have not yet mentioned periods of employment in a ghetto located in these territories, please inform your pension office so that it can check your pension entitlement.