

Social Protection and Social Security (including social protection floors)

Definition

Social protection is a major arena of government activity aimed at ensuring that vulnerable population groups receive appropriate and effective public support to ensure their financial security and to safeguard their health.

In the United States, Social Security is a federally run insurance program best known for retirement benefits, provision of disability income and surviving family member benefits.

Scope

Social Security provides lifetime monthly payments after age 65, derived from payroll taxes collected from employees and employers. The amount of the applicant's monthly payment is based on her or his earnings history. After retirement, seniors rely on a variety of benefits for financial support. One common source is the Old-Age Survivors and Disability Insurance (42 U.S.C.A § 401 et seq.), a part of the Social Security program. To qualify for Social Security retirement benefits, workers must be at least 62 and have paid into the system for 10 years or more. Social Security not only provides benefits to many retirees, but also to workers who become disabled, and to children or surviving family members.

The Supplementary Security Income (SSI), on the other hand, is a federal income supplement program of the United States government which is funded by general tax revenues rather than by Social Security taxes. It is intended for aged, blind, disabled people, and children who have no income to pay for basic needs.

By "aged," a person must be 65 years old and above, and although he is not disabled, he must be financially limited. He must also be a U.S. citizen. In order to qualify for the program, an individual must have limited resources which mean that he has no work, no social security benefits, no workers' compensation, and no unemployment benefits. Any assets must also be extremely limited to qualify.

Wages or income earned after retirement and above a certain amount will lower monthly Social Security benefits, and benefits may be taxed by the federal government if a recipient gains income from another source. Many seniors receive income from other sources. Military personnel wounded in action, for example, qualify for veteran's benefits. In the unique context we will describe here, Holocaust Survivors (even those who are now US citizens and receiving social security benefits) may receive financial compensation for their persecution experiences in various forms: perhaps a one-time payment decades ago, or ongoing pensions or restitution payments from Germany or other European countries. Additionally, some Holocaust survivors, who are eligible based on financial and functional needs, receive social welfare support such as home care, food, or transportation with funding from the Conference on Jewish Material Claims against Germany (Claims Conference), the organization responsible for negotiating compensation and restitution and for administering funds to institutions that provide these social welfare services to Nazi victims.

Under the United States law, financial compensation and pensions resulting from the persecution incurred during the Holocaust should be *excluded from income calculations* relating to federally funded or federally assisted benefits such as Medicaid, Supplemental Security Income, Federally subsidized housing or the Supplemental Nutrition Assistance Program (SNAP). This, however, is not always the case, and as described below – poses undue hardship and distress for many survivors.

State Obligations

According to information recorded on the Claims Conference databases, and data from the German Government, there are currently an approximate 80,000 Holocaust survivors living in the United States, with a growing majority having survived persecution in Nazi-occupied territories in the former Soviet Union (FSU). Holocaust survivors are a very sensitive and vulnerable population even amongst their peers in the United States. Most concerning is the high rate of poverty amongst Holocaust Survivors. It is estimated that approximately 25 percent of survivors live at or below the poverty line, although survivors from the former Soviet Union (FSU), as well as those living in urban centers such as New York City, Los Angeles, and Chicago can face poverty rates closer to 50 percent (Sherman, 2014; Kover, 2014; Samuels, 2014). These low income survivors struggle to meet their basic needs for housing, food, and health care, and often rely on Supplemental Security Income (SSI), energy assistance programs, SNAP, home-delivered meals and benefits from the Claims Conference. In most cases, poverty itself can be triggering for survivors as it can remind them of experiences of deprivation during the Holocaust. Although the traumatic events occurred in the past, many of the associated traumas are now being experienced through the lens of each survivor's aging process, "creating a group that ages differently and has more acute needs than do other older Americans" (Samuels, 2014). As survivors become frailer and outlive their resources, they depend on the meagre social security income as well as any compensation from the German Government (often via the Claims Conference and their partnering social service agencies) for survival.

The issues surrounding Social Security are complex, vague and political. The coverage under these programs is subject to numerous exceptions and caveats. Despite the Federal law excluding compensations, benefits and pensions resulting from the Holocaust from income calculations relating to federally funded or federally assisted benefits, Holocaust survivors in various parts of the United States have continually experienced harsh inquiries and monetary reductions from their benefits on account of compensations they have received from the Holocaust. *Bet Tzedek* which provides free legal advice and representation to low-income residents of Los Angeles County, and has established the **Holocaust Survivors Justice Network (HSJN)**, testified before Congress in 2014 about the harmful, and often tragic, effects on frail survivors when their reparations payments were wrongfully counted against them in determining eligibility for public benefits. This led to a rewrite of the Social Security Administration's procedural manual, providing strict guidance to eligibility workers and preserving benefits for countless survivors.

The 2016 reauthorization of the Older Americans Act (OAA) states that the Assistant Secretary for Aging shall "issue guidance to States, that shall be applicable to States, area agencies on aging, and providers

of services for older individuals, with respect to serving Holocaust Survivors, including guidance on promising practices for conducting outreach to that population.”

Despite these laudable legal advocacy successes, survivors continue to often be questioned and penalized and are often in fear of receiving their rightful benefits because they are afraid that it may impact adversely on their SSI or other state or federal benefits or subsidies. The States have not lived up to their expectations of educating their workers on these policies, laws and how their unawareness adversely impacts the lives of survivors. For most of the survivors recounting their experiences, these policies seem like paper tigers and mere theoretical postulations without any bearing on the frustrations they constantly face defending their rightful income and benefits.

Special Considerations

Since older people generally need healthcare and welfare services more than the rest of the population, any limitations are likely to affect them disproportionately unless the specific provisions ensuring that their needs are met are complied with. There is need for Government at all levels to sensitize and educate themselves and the broader community about the unique needs of older adults particularly the most vulnerable groups; regarding social protection and social security. These include raising consciousness and gathering robust evidence about the nature of the problems faced by older adults, including those of special populations such as Holocaust survivors, and ensuring that social security personnel are not only abreast with procedures and policies within the system impacting older adults, but also consciously implementing them to the letter of the law – and with a sensitive and trauma-informed approach which does not re-traumatize and penalize those most vulnerable.

It is critical to develop a comprehensive information system about the financial, physical and social circumstances of older people – and this particularly vulnerable group - to serve as a crucial point of reference for assessing and meeting needs. State Units on Aging and indeed everyone whose role directly or indirectly impacts survivors should be Trauma Informed.

Implementation

Amongst Holocaust survivors, poverty is widespread. An increasing percentage of survivors frequently have inadequate access to healthcare. Changing social circumstances have left poor vulnerable survivors to losing whatever social or personal safety nets they do have. In the face of these difficulties, the need for social protection programs that address the needs and vulnerabilities of these survivors are large. Historical circumstances and ongoing financial constraints have combined to limit the extent of existing social protection programs.

Holocaust Community Services (HCS) at CJE SeniorLife in Chicago, IL, provides Holocaust survivors with financial assistance for critical needs including food, medication, personal care, and emergencies. In 2018, over 1,600 survivors – the majority of whom are from the former Soviet Union (FSU) and living in or near poverty – benefitted from ongoing financial assistance, and over 2,000 survivors received financial and/or psychosocial supports; yet, despite these high numbers, the program maintains a continuous rolling waitlist of approximately 250+ survivors. HCS has successfully adapted to this

challenging landscape, acting as a leader in the community in providing comprehensive services, leveraging resources and partnerships, piloting new strategies, and advocating for additional and more flexible funding to be able to respond to survivors' critical needs meaningfully and efficiently.

As HCS funding for ongoing support ebbs and flows in an oftentimes unpredictable manner, HCS is increasingly focused on providing financial and functional help to prevent and ameliorate crises which can lead to survivors' further decline and premature institutionalization

A very important shift in closing the gap faced by older adults is by understanding the uniqueness of their individual situations. Social Security Administrations should effectively partner with older adult community services providers. Understanding and implementing the laws that protect survivor benefits is one step toward achieving social protection. Doing so within a trauma-informed framework is also essential for the socio-emotional protection, also due them. "When reaching out to and serving Holocaust Survivors, it is critical that it be done in a manner that minimizes triggers and reduces the risk of re-traumatization. Using person-centered, trauma informed (PCTI) approaches while carefully accessing the treatment needs of older adults can help to improve the overall quality of care and quality of life."