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Search for heirs and the Statute of Limitations

Once the processing of the applications had been completed, the General Settlement Fund's main task lay in seeking to reestablish contact with the applicants where contact had been lost and tracing the heirs or legal successors of applicants who had passed away in order to be able to carry out the payments. Since many applicants passed away during the course of the proceedings, it was necessary to trace the persons eligible to receive the payments in order to be able to conclude the pending proceedings. This processes of tracing and confirming legal successors of applicants who have passed away was extremely time-consuming.

The information in the file of the late applicant served as a starting point for tracing his/her heirs. Internet research was then carried out and enquiries made with the Austrian Pension Insurance Company, Austrian embassies and victims' organizations in Austria and abroad. Besides trying to make contact with potential heirs, the most time-consuming step was obtaining the relevant inheritance documents in order to be able to substantiate the status as eligible heir. Upon receipt of the national inheritance documents, the decision on the resumption of proceedings was prepared for the Claims Committee. Following the Claims Committee's decision on the resumption of proceedings, the proceedings were resumed with the heirs.

The latest statistics on the search for heirs can be found at the procedural statistics.

Pursuant to the General Settlement Fund Law amendment (Federal Law Gazette I 9/2013), the following provision stipulated a time limit for collecting the payments: **The entitled beneficiaries can claim the amounts awarded within a period of five years after the service of the decision; this period expiring however no earlier than 31 December 2017 (for all decisions for which service has been effected by the time of the entry into force of the Law on 1 January 2013 [Federal Law Gazette I 9/2013], the time period under the Statute of Limitations commenced on this day and hence expires on 31 December 2017).**

Of the 20,702 decisions on applications for compensation of assets by the General Settlement Fund, service was unable to be effected for approx. 500 decisions, which were deposited with the Secretary General of the General Settlement Fund as per 1 January 2014. A service may not have been able to be effected if the applicant's most recent contact details were not known or if the applicant passed away before conclusion of the proceedings and the heirs could not be traced despite an extensive search.

The deposits were announced on the General Settlement Fund website. Due to laws governing data protection, the anonymity of the entitled beneficiaries was ensured in the announcements. Service was effected for all decisions as per 1 February 2014. Upon expiry of the deadlines for requesting a review of the decision on 31 March 2014 and the deadline for including co-heirs on 30 April 2014, the decisions serviced by deposit became legally binding.