

Brochure

englische Übersetzung

Unemployment Benefit II / Social Assistance

Basic Security Benefits for Jobseekers

SGB II



Bundesagentur für Arbeit

Foreword

This brochure on Social Code Book II (SGB II) informs you about the most important prerequisites and the necessary steps for obtaining benefits for basic security for jobseekers. It explains the stations in the Jobcenter, special aspects of the entitlement to benefits to cover subsistence costs under SGB II, and also tells you what to observe and comply with if you have applied for benefits.

The brochure provides you with an overview of the essential content of the statutory provisions. Please read it carefully so that you know about your rights and obligations.

Of course, the brochure cannot cover all details.

Your Jobcenter has more detailed information.

 **LINK**

You can also find appropriate information on the Internet at » www.arbeitsagentur.de .

The wording of the various statutes that are often referred to in the following chapters can be found at:
» www.gesetze-im-internet.de.

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List of abbreviations

BA	Federal Employment Agency
BAB	Vocational training allowance
BAföG	Benefits under the Federal Education and Training Promotion Act
BZSt	Federal Central Tax Office
cf.	compare
e.g.	for example
etc.	et cetera
PCP	personal contact partner
SGB II	Social Code Book Two
SGB IX	Social Code Book Nine
SGB X	Social Code Book Ten
SGB XII	Social Code Book Twelve

Special signs

€	euro
%	per cent
§	paragraph
s.	section

Explanation of the symbols used



PLEASE NOTE

You must pay special attention to this information, in particular to avoid negative consequences for yourself. These sections are highlighted by an exclamation mark.



SUMMARY

This section compiles the most important information and is indicated by the = symbol.



INFORMATION

You will find additional useful information here.



TIP

This section contains tips that may be useful for you.



LINK

This section contains explanations on how to find information on the Internet.

EXAMPLE

The contents are explained in more detail here by means of practical examples.

Unemployment benefit II – The most important facts at a glance

1 What does “basic security benefits for jobseekers” mean?

Basic security benefits for jobseekers in accordance with SGB II support you with:

- benefits for integration into employment and
- benefits to ensure the means of subsistence.

The aim is to enable you to earn a living for yourself and your dependents in future through your own resources and efforts.

As the name indicates, basic security benefits mean ensuring minimum subsistence, in other words, ensuring what is required to live on. This security is conceived for all those who have insufficient assets of their own or none at all.

All **persons who are capable of work** can receive **unemployment benefit II** if they are eligible for benefits; persons who are **not capable of work but are eligible for benefits** can receive **social benefit**.

When benefits are calculated, either a single person capable of work or a so-called **benefits community** is considered. This can consist of one or more persons, whereby at least one of them must be capable of work. If several persons live in the same household and keep house together, they are usually dealt with jointly as a benefits community (see » **Chapter 8.3** as well).

When receiving unemployment benefit II, you and those persons who belong to your benefits community must use all opportunities to reduce or end the need for help.

Cash payments for basic security benefits for jobseekers are financed from taxation, not from unemployment insurance. The amount of the benefit does not depend, therefore, on previously achieved earned income, but only on what you need as a minimum to live on and are unable to provide yourself.

You can obtain unemployment benefit II even if you are in gainful employment, but your earnings are insufficient to ensure a living for you and your family. Unemployment is thus not a prerequisite for obtaining unemployment benefit II.

SUMMARY

Basic security benefits for jobseekers are financed from taxation and are paid temporarily to ensure the minimum subsistence level. This is why all opportunities must be used to end or reduce the need for help!

SGB II supports you with various benefits for integration into employment.

The brochure » **Was? Wie viel? Wer? – SGB II (What? How much? Who? – SGB II)** provides information on this range of integration benefits.

You can obtain additional information and help regarding integration benefits from your local Jobcenter.

2 The Jobcenter

2.1 Assistance “from a single source”

The Federal Employment Agency (BA) and the competent local authorities (“kreisfreie Städte”, “Kreise”) are responsible for providing basic security benefits.

In spite of the different competences, basic security benefits are provided from a single source.

Joint institutions – **the Jobcenters** – were established for this purpose. This means that you only have to go to a single office.

INFORMATION

However, if you are receiving Unemployment Benefit from your Employment agency at the same time, you will only receive additional Unemployment Benefit II in the Job Center. In this case, the placement service remains with the Employment agency.

2.2 From application to notification – the individual stations in the Jobcenter

Reception

In many Jobcenters there is a reception, also known as the customer service desk. It is here that you initially state your request. Many things can be settled here – for example, you can submit documents or obtain applications/forms.

In some cases, you are also registered in the entrance area.

Entrance area

Our staff in the entrance area clarify more matters with you or arrange appointments for you in the benefits processing, job placement or case management sections.

You can usually obtain application forms here as well for applying for basic security benefits.

INFORMATION

It may be that in your Jobcenter there is no division between reception and entrance area, or that the administrative procedures are slightly different.

Job placement

Your personal contact partner (PCP) in the job placement section (also known as the integration officer) supports you in the search for a job or a training place, or looks for suitable further training offers and additional earnings together with you.

INFORMATION

If you receive Unemployment Benefit from your employment agency at the same time, you will receive employment assistance there. For the other members of the community of needs who do not receive unemployment benefits, the Job Center remains responsible for job placement.

Case management

Specially trained case managers advise, support and accompany you – if you wish – on your individual road to integration into employment – even if your personal

situation is difficult. For this purpose they have an extensive bundle of help offers available.

There is close cooperation between the following, among others:

- Youth offices and youth welfare institutions,
- Childcare institutions,
- Migration advisory centres,
- Debt counselling centres and
- Addiction counselling centres.

Benefits processing section

In the benefits processing section staff take care of everything that is necessary for your subsistence, including the needs of housing and heating.

Your application documents are processed conclusively and the amount of your benefit entitlement is calculated here.



PLEASE NOTE

Please bring a valid identity card, a passport with registration certificate, your passport with the current residence certificate, or, if you have not yet received a passport, the appropriate certificate from the foreign nationals registration office with your AZR number (Central Register of Foreign Nationals), whenever you come to the Jobcenter.

3 Your basic obligations and the consequences of breaching them

In terms of basic security benefits for jobseekers, the principle of promotion and the principle of challenge are of equal importance.

The principle of challenge means that all members of the benefits community have to use every opportunity to avoid, eliminate, shorten or reduce the need for help.

3.1 Obligations to end or reduce benefit receipt

In the first place, you and your dependents in the benefits community (see » **Chapter 8.3** as well) are required to take concrete steps to overcome your need for help.

You must make independent efforts to end your need for help and take part actively in all measures that support this goal.

This means, for example, that you are obliged to accept all work which you are mentally, psychologically and physically able to carry out.



PLEASE NOTE

If you fail to comply with your obligations without good cause, this can have far-reaching consequences. A reduction or even complete cancellation of your benefits will be likely (see » **Chapter 12 – Sanctions** as well)

3.2 Registration requirements, availability and holidays

From the date on which you submit your claim you are obliged to register at your Jobcenter or at another

Jobcenter office in person and, where applicable, to attend a medical or psychological examination if your Jobcenter so requires .

These registration requirements also apply during appeal or social legal proceedings.

INFORMATION

If you are unable to keep an appointment, please notify your Jobcenter immediately and state the reason.

TIP

You can have an SMS sent to your mobile phone to remind you about an upcoming appointment in the Jobcenter. This makes it easier for you not to miss appointments in future. Please contact your Jobcenter if you are interested in this service.

In principle, you must be available for your Jobcenter in person and by post on every working day (this includes Saturdays as well) at the address you stated and be able to attend the Jobcenter daily.

However, with the prior consent of your Jobcenter you can leave your place of residence for a total of three weeks every calendar year (so-called absence, “holiday”). Extensions are in principle not possible. After returning to your place of residence, you are obliged to report back to your Jobcenter without delay.

SUMMARY

You require consent from your Jobcenter **in advance** for a “holiday” (being absent, whether in Germany or

abroad). Absence without permission leads to the loss of benefits and possibly to a demand for reimbursement.

3.3 Obligations to cooperate

Persons who apply for or receive benefits under SGB II are under an obligation to cooperate. This means that all the information that you provide in the application and the corresponding enclosures must be complete and correct. If you represent a benefits community, this applies as well to other persons in the benefits community. Your information forms the basis for the decision on your application for basic security benefits and, where applicable, the application by other members of the benefits community. If so-called “evidence” is required (e.g. documents, certificates), you must designate them or submit it yourself.

In addition, you must notify the competent Jobcenter immediately of any changes that occur after you submit the application that can have an effect on benefits

PLEASE NOTE

The obligations to cooperate must be observed by all members of a benefits community.

INFORMATION

It is usually sufficient to present original documents for inspection or to submit copies. At present, the electronic file is being introduced in Jobcenters nationally. This

means that the paper documents that you submit will be scanned. After 8 weeks, your documents will be destroyed in conformity with data protection regulations. If you submitted original documents by mistake without being requested, please notify your Jobcenter of this immediately. A demand for the return of original documents is only possible within 8 weeks of their submission. The staff in the application submission office will be pleased to help you if you have any questions on the documents that are required. Your obligation to cooperate starts on the date of your application and usually continues until the end of the period in which you receive benefits; in some cases beyond this date as well. Changes during the approval period may have an effect on the amount of your benefits for the period that was already decided on and lead to additional payment or to overpayment.



PLEASE NOTE

Please notify your Jobcenter without delay of all changes to your personal and financial circumstances and, if applicable, those of others in your benefits community. Only in this way can the correct amount of benefits for all members of a benefits community be calculated and underpayment or overpayment be avoided.

Immediate notification is required in particular if:

- You take up employment – including self employed or as an unpaid family worker. Do not rely on any assurances of others that they will notify the start of employment for you. You must do this yourself.

- You intend to start vocational training or university studies shortly.
- As a person eligible for benefits and capable of work you are unable to work due to illness or when you are able to work again.
- You are a foreigner and there are changes to your residence status.
- You apply for or receive pensions of any kind.
- Your address changes or you want to move house (see » **Chapter 8.7** on this).
- Someone moves in or out of your household (even if this is temporary only).
- You marry, start co-habitation or enter into a civil partnership, or separate from your partner.
- You divorce, there is a change to income or assets in the benefits community or
- You or a member of the benefits community receive credits from assets (e.g. interest, dividends) or tax rebates.

You must notify the above changes as well if they occur with another member of the benefits community.

The representative of the benefits community must therefore ensure that the members of the benefits community are informed at all times about benefit law matters, the contents of this brochure and their obligations to cooperate.



PLEASE NOTE

In the event of breaches of obligations to cooperate, reimbursement of overpayments of benefits will usually be demanded from all entitled persons in a benefits community. In addition,

administrative or criminal proceedings may be threatened. Jobcenters obtain information on income and assets (e.g. wages and salaries, investment income, pensions) from various agencies by means of data reconciliation. Concealed income and assets are therefore subsequently disclosed regularly.

The obligation to report incapacity to work and submission of a certificate of incapacity for work is agreed between you and your Integration Specialist through an Integration agreement.

== SUMMARY

Make sure that your information is complete and correct and notify changes to your competent Jobcenter without delay. Observation of these obligations to cooperate is in your interests and, where applicable, those of the other members of your benefits community. If you provide incorrect or incomplete information, not only can you expect a demand for restitution of benefits unduly received, but you also expose yourself to the risk of administrative offense or criminal proceedings.

3.4 Obligation to make restitution

If you have received benefits without entitlement, you and the other members of the benefits community must refund them. You will receive a notification regarding this obligation to make restitution.

Under the provisions of the Social Code, a benefits grant is to be revoked if the person concerned was not

entitled to the benefits that were granted and in particular if they:

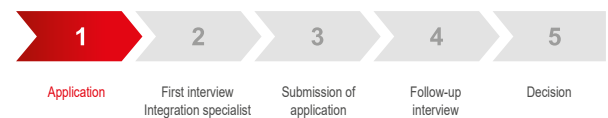
- provided **false or incomplete information** intentionally or with gross negligence, or did not notify a change to their circumstances, or did not do this correctly, completely or in time,
- knew or could easily have known that they had no entitlement or were entitled to a lower benefit only, or
- realised **income or has assets** which could have lead to the elimination or reduction of entitlement to benefits. (Here it is not a question of culpability, but simply that income was realised that was not set off against the benefits.)

i INFORMATION

As soon as they reach majority, children may claim so-called limitation of liability pursuant to s. 1629a German Civil Code for overpayments caused by a parent in the past. Then only a sum in the amount of the assets they possessed when they reached majority can be demanded from the child by way of enforcement, which means that children do not start their majority with debts.

4 The application – issuing the application

Target: Ending/reducing the need for help



You must submit an appropriate application in order to receive benefits under SGB II.

Make sure that you make your application in the Jobcenter in the district in which you usually live or in which you are registered.

LINK

You can find help with completing the application (Guidelines for Filling Out the Application Forms) on the website of the Federal Employment Agency at » www.arbeitsagentur.de in the download centre.

If you have any questions, your Jobcenter will be pleased to help you.

4.1 When are which benefits applied for?

An application is required for **all** benefits under SGB II. Please note that specific benefits (e.g. special needs, most needs for education and social participation) require a **separate** application.

It is important to submit the application in good time, because the basic principle is that benefits are not paid for days before the application.

An exception is made in the case of applications for benefits to ensure the means of subsistence. These have retroactive effect to the first day of the month in which the application is submitted.

SUMMARY

Benefits under SGB II are always checked from the date the application is made.

Exception: benefits to ensure the means of subsistence are paid retroactively from the first day of the month in which the application is submitted.

4.2 Who applies for benefits?

If you form a benefits community jointly with other members of your household, the application applies as well for the other persons with whom you live. You can find further information on the subject of benefits communities in » **Chapter 8.3.**

4.3 Is a formal application required?

You can submit an application informally, in other words orally, by phone, email or in writing, to avoid the risk of a loss of entitlement in the first place. However, even with an informal application you have to provide all the necessary information, so that it is better to make use of the application forms. If you appear in person, open items can be clarified directly, which facilitates processing.

LINK

You will find the forms on the website of the Federal Employment Agency at » www.arbeitsagentur.de in the download centre.

You can obtain the forms in your Jobcenter as well.

5 Visiting your integration specialist

Target: Ending / reducing the need for help



Together with the application documents, you will either be given an appointment for the job placement service, or an interview will take place directly upon handover of the application, or you will be sent the date for an appointment in good time. The interview will be conducted by a member of staff from placement or from case management.

In any case, the staff member will discuss your work history to date with you and draw up a so-called strengths and weaknesses analysis together with you. In addition, the special skills and talents that you possess for the type of job you are looking for will be recorded.

Your contact partners will only ask you for data that they require for placing and advising.

PLEASE NOTE

Your data is confidential and subject to data protection regulations.

See » **Chapter 14** for more information on data protection.

Good advice and successful placement are only possible with your help.

For this reason you will be asked about your personal ideas and goals.

An integration plan will be prepared together with you from the compiled findings. If possible, your integration specialist will make you an immediate offer during this interview for you entry into employment or training.

They will also inform you about funding opportunities for looking for employment, taking up employment or further training.

TIP

You can find initial help for drawing up a job application in » **Chapter 16.2**.

You can find additional information in the brochure » **Was? Wie viel? Wer? – SGB II (What? How much? Who? – SGB II)**.

SUMMARY

The objective of the integration specialist is to find a way together with you to place you in employment as soon as possible (or to expand your employment) in order to reduce your need for help or to end it permanently.

6 Submitting an application

Target: Ending / reducing the need for help



Prompt processing and payment of basic security benefits are only possible if you provide all the information in full that is necessary for checking the claim and making a decision in full and correctly, and submit the documents required for this to the Jobcenter.

The staff in the applications submission office will help you here.

7 The decision on your entitlement to basic security benefits

Target: Ending / reducing the need for help



Your responsible Jobcenter will inform you in writing in an official notification about the decision on the application for benefits and about all subsequent changes to this decision.

You will receive written notification among others:

- if your application is granted,
- if your application is cannot be granted (in full),
- if the benefit amount is amended or

- if you were not entitled to the benefit you received and must pay it back.

If you have any questions regarding the notification, you can contact the benefits department at your Jobcenter or, where necessary, the service centre.

7.1 The notification

Among other things, your approval notification contains the following information:

- the members of the benefits community,
- the amount of the benefits,
- the approval period,
- the overview of the calculation,
- bank details and
- the health insurance and long-term care insurance.

 LINK

You can find a specimen notification with explanations and an explanatory video on the approval notification on the website of the Federal Employment Agency » www.arbeitsagentur.de under “Unemployed and seeking work” » No. 4: Understand the notification.

 SUMMARY

Further interviews, in particular with the competent integration officer, will follow after submission of the complete application documents and an approval.

The objective is to integrate you permanently into the labour market, or to expand your already existing employment so that the need for help is reduced or ended!

7.2 Information on appeals

If you do not agree with a decision by your Jobcenter, you, or anyone else who is affected by the notification, may enter an **administrative appeal** within one month after receipt of the notification.

The administrative appeal must be submitted in writing to the Jobcenter that issued the notification or declared there in person for recording. The decision will then be reviewed again.

If your administrative appeal cannot be allowed, or only in part, you will receive a written **decision on the administrative appeal**. If you disagree with this, you may bring proceedings before the social court.

Detailed information

8 Processing the application – your entitlement to basic security benefits

Your application for benefits under SGB II will be processed after you have submitted your application documents in full. Some prerequisites for approval are shown below for a better understanding.

8.1 Who is entitled to unemployment benefit II?

You are entitled to unemployment benefit II if you are capable of work and eligible for benefits and are aged between 15 and the statutory standard pensionable age, if your usual place of residence is in Germany, and if you are in need of help.

You may also receive benefits if you live in a so-called benefits community with a person who is capable of work and eligible for benefits (cf. » **Chapter 8.3**).

Apprentices are entitled in principle to benefits during vocational training and when taking part in pre-training courses. School and university students who live in their parents' household are only entitled to unemployment benefit II, if BAföG grants are paid, or are not paid only because income and/or assets were taken into account. Apprentices who live in a boarding school/home with a trainer with full board, and university students who do not live in their parents' household are not entitled to unemployment benefit II; however, there may be a claim to supplementary payments for apprentices (see » **Chapter 8.8.4**).

Special rules for foreign nationals

You may only receive benefits to ensure the means of subsistence if:

- your usual place of residence is in Germany and this is not merely for the short term. (If you are a EU citizen, please show proof of this by producing your tenancy agreement, your registration certificate and an identity document);
- you are in Germany legally. Please submit your residence documents to the Jobcenter (this does not apply if you are a EU citizen);
- you have already been permitted to take up employment or if such permission is possible; this is based in principle on your resident permit;
- you are not entitled to benefits under the Asylum Seekers Benefits Act **and**
- you work in Germany either as an employee or as a self-employed person and the self-employment is carried out seriously and with the intention of making a profit and you have not merely registered a trade, **or**
- you have already been in Germany for longer than three months and you are not in Germany simply for the purpose of looking for work **or**
- your right to free movement is not derived solely from article 10 of Regulation EU 492/2011 **or**
- you have a residence title for humanitarian reasons. This applies to members of your family as well.

8.1.1 Who is capable of work?

You are capable of work if you can work for at least three hours daily and are not prevented from doing so for the foreseeable future by illness or disability.

If you are a foreigner, you must be permitted to take up work, or it must be possible to grant this permission.

8.1.2 Who is in need of help?

You are in need of help if you are unable or not sufficiently able to ensure your livelihood and the livelihood of any persons who may live with you in a benefits community, from the income or assets that are to be taken into account (see » **Chapter 9**) and you do not receive the necessary help from others, in particular from relatives or providers of other social security and assistance benefits.

8.1.3 Other (social security and assistance) benefits with priority

If you are entitled to other (social security and assistance) benefits, you are always obliged to apply for these, because in this way you can reduce or eliminate your need for help and that of your benefits community. If you do not submit the necessary application for this, the Jobcenter is entitled to submit the application for you. Some prior benefits lead to general exclusion from SGB II benefits.

The most important priority benefits are:

- child benefit,
- child allowance (where applicable, together with housing benefit), if you have your own income and children – for whom you receive child benefit – and can cover your own needs and those of your partner but not the needs of your children and if the need for help can be overcome with this for at least three successive months,
- advance payment of maintenance for children,
- unemployment benefit,
- (reduced) retirement pension starting at the age of 63, this does not apply if you would become in need of assistance through the reduced retirement pension, in old age,

- foreign retirement pension, if this is comparable to the German retirement pension,
- other pensions (disability pension, widow's / widower's pension, orphan's pension),
- sickness benefit,
- training grant benefits (Federal Education and Training Promotion Act (BAföG), training allowance, vocational training grant),
- housing benefit for tenants/"Lastenzuschuss" for home owners, if this can eliminate the need for help in accordance with SGB II completely,
- maternity benefit (for the period of maternity protection – usually six weeks before the birth and eight weeks after the birth),
- parental allowance after the birth of a child.

You are not obliged to apply for so-called "child housing benefit" – i.e. housing benefit for your child only. However, it is possible that by claiming it you acquire a financial benefit. Child housing benefit is only considered if your child has an own income (e.g. from child benefit, maintenance, advance payment of maintenance, apprenticeship pay). You will find more details in your Jobcenter or your housing benefits office.

8.2 Who receives social benefit?

Persons who are not capable of work do not have their own entitlement to benefits in accordance with SGB II. Only if they live in a benefits community (see » **Chapter 8.3** as well) with a person who is capable of work and is eligible for benefits can those who are not capable of work be entitled to benefits in accordance with SGB II – so-called social benefit.

Persons who are entitled to benefits under basic subsistence income for the elderly and with permanently reduced earning capacity are excluded from social benefit; however, persons in receipt of pensions because of

a temporary full reduction in earning capacity may receive social benefit.

8.3 What does "benefits community" mean?

When your benefits are calculated, you are regarded as a single person capable of work or as a so-called "benefits community".

If you live together with several others in the same household and manage the household jointly, you will probably be treated together as a joint benefits community.

SGB II stipulates who is part of a benefits community. In a benefits community, all those who belong to it and the personal circumstances (income and assets, see » **Chapter 9**) are included in a joint calculation

This means: income of one person is to be included in the calculation for other persons in the benefits community as well. A balance is carried out.

The following persons belong to a benefits community:

- those eligible for benefits who are capable of work;
- the partners of those eligible for benefits who are capable of work; **these are:**
 - spouses who are not permanently separated
 - civil partners who are not permanently separated, or
 - a partner in a so-called union of responsibility and liability ("consensual union"). This applies not only to partnerships between men and women, but also to same-sex partners whose partnership is not registered;
- the unmarried children of the person who is eligible for benefits and capable of work or of the partner, if they have not reached the age of 25;

- the parents or parent (where applicable with partner) of an unmarried child who is capable of work and has not reached the age of 25.

For example,

- an unmarried child who is not yet 25 and has a child himself/herself, or
 - a child who has not reached the age of 25,
- form their own benefits community, even if they still belong to your household.

If other relatives (e.g. an aunt or uncle) or in-laws live with you in the household, they belong to the so-called common household, but not to the benefits community.

Members of your benefits community may submit their own applications if they do not want to be represented. With their own application, members cancel the authority to represent, represent their own interests, but still remain in the existing benefits community. However, it is also possible to request only payments to yourself. In this case, the authority to represent remains otherwise in existence.

SUMMARY

Put simply, you always form a benefits community together with the closest family members in your household. Your family is your benefits community. However, there are exceptions to this. Often, it is difficult to judge whether a benefits community exists. Only your Jobcenter can ascertain this in a reliable way.

8.4 What benefits are available?

Benefits in accordance with SGB II comprise benefits for standard needs, additional needs and needs for accommodation and heating.

In addition – if the appropriate prerequisites are satisfied – benefits for education and social participation will be paid as well (see » **Chapter 10** on this as well).

8.5 The amount of the standard need to ensure the means of subsistence

The standard need covers current needs and needs that arise at irregular or greater intervals with a flat rate (e.g. food, clothing, hygiene, household goods, needs for everyday life, etc.).

Amount of standard needs to ensure the means of subsistence from 01.01.2018

Single persons, single parents, Adults with minor partners	416,00 €
Adult partners	374,00 €
Adults up to the age of 25 (18–24), Persons under the age of 25 who move house without the guarantee of the local authority provider (18–24)	332,00 €
Child or youth from 14 up to the age of 18 (14–17), Minor partners (14–17)	316,00 €
Children from the age of 6 up to the age of 14 (6–13)	296,00 €
Children up to the age of 6 (0–5)	240,00 €

Standard needs are reviewed each year with effect from 1 January. If this results in changes to the amount of the approved benefits, your benefits will be adjusted automatically. You will be informed of this in a separate amendment notice.

8.6 Additional needs

A so-called additional need can be considered for you for needs that are not covered by the standard need.

You will receive these additional needs (normally fixed flat amounts as well) on top of the standard need if you are among the following groups of persons:

- expectant mothers from the 13th week of pregnancy,
- single parents of minors,
- persons with disabilities who receive defined benefits under SGB IX or SGB XII, or
- persons eligible for benefits who need a more expensive diet for medical reasons (if this is proved to be necessary).

Persons with disabilities who are not capable of work who have an identity card marked “G” may receive an additional need if they have not previously been entitled to another additional need because of disability; this does not apply to children up to the age of 15.

The total amount of the above-mentioned additional needs may not be greater than the respective relevant standard need.

Under certain circumstances, further needs that arise as a result of special life circumstances over a longer period of time and are unavoidable can be taken into account.

The Jobcenter grants benefits for an additional need to persons eligible for benefits who heat water through an appliance (flow heaters and thermal bath) installed in their accommodation and not through the central heating (decentral hot water provision). Therefore, please indicate in your application the type of hot water production.

8.7 Needs for accommodation and heating

8.7.1 Reasonable costs

Needs for accommodation and heating (rent) are taken over in the amount of your actual expenditures, insofar as these are **reasonable**.

Which costs are reasonable depends on your local authority's guidelines/reference values or byelaws in accordance with Paragraph 22a SGB II. You will learn more which costs are considered reasonable in your Jobcenter. You may use these benefits only for the rent!

A direct remittal to the landlord/landlady is possible in an individual case.

If you live in your own house or flat, the costs of accommodation also include the appropriate charges (e.g. reasonable interest for mortgages, property tax, building insurance, ground rent, ancillary costs as for rented accommodation). Unavoidable expenditure for maintenance and repairs may in certain circumstances be accepted as needs. **Redemption payments** are not included because they ultimately serve to build up assets and asset building is not reconcilable with the purposes of welfare benefits.

If the expenditure is unreasonably high, you are obliged to reduce the costs of accommodation as far as possible. In these circumstances, moving to cheaper accommodation may be necessary.

If moving house is necessary for you to reduce the costs of accommodation, the higher costs of accommodation will be paid until it is possible or reasonable for you to move, but usually not for longer than six months.

In these cases, your Jobcenter can take over the **necessary** costs of acquiring the new accommodation and for moving, as well as the security deposit (usually in the form of a loan).



PLEASE NOTE

Before you sign a tenancy agreement for new accommodation you must obtain a declaration of agreement (assurance) from the local Jobcenter that is responsible for you for future expenditure. If the costs of accommodation increase after an unnecessary move, only the previous costs will continue to be paid.



INFORMATION

You are not entitled to housing benefit in addition to the benefits referred to. However, if you can eliminate or avoid your need for help, or – if you live in a benefits community – the need for help of the whole benefits community (where applicable, including child allowance) by drawing housing benefit, you are obliged to make an application for this benefit. You can find more information in the » **Merkblatt Kinderzuschlag (Child allowance brochure)** or from your local family benefits office.

If you do not make an application for housing benefit, the Jobcenter is entitled to do this for you

8.7.2 Special rules on moving out of your parents' household

If you are unmarried, below the age of 25 and want to leave your parents'/a parent's home, you can only receive the costs of the new accommodation and heating if you obtain a so-called "assurance" from the Job-center. prior to moving. Please apply for the assurance in writing, stating the reasons for the planned move.

You will be given the assurance if:

- there are serious social reasons for not remaining in the parental home and this is verified, or
- moving to new accommodation is necessary for integration into the labour market, or
- a similar serious reason is proven to exist

If you move without the necessary assurance, you will receive a lower monthly standard need (cf. » **Table at 8.5**) and needs for accommodation and heating will not be taken over.

Benefits for the basic furnishing of the accommodation (cf. » **Chapter 8.8.3**) will not be taken over either.



PLEASE NOTE

In this case as well, you must obtain the assurance **before** signing the lease for the new accommodation.

8.8 Deviating benefits in emergencies

8.8.1 Loans for special needs

In particular situations, needs can arise that threaten your livelihood but that you are unable to prevent. In such an emergency situation, a benefit in kind or a cash benefit in the form of a **loan** may be provided.

An unavoidable need of this kind can be caused, for example, through the loss of, damage to, or theft of property.

You must repay loans. This is usually done by deducting 10% from your relevant standard needs for each month (setting off).

8.8.2 Payments in kind as standard need

The standard need can be provided partly or wholly as a payment in kind (in the form of vouchers). This can be done, for example, if you repeatedly spend the cash benefit too quickly because your lifestyle is inappropriate with regard to the amount of the benefit, and you apply for an additional bridging loan.

"Uneconomic behaviour" of this kind is found, for example, if you have already spent the monthly benefits shortly after they were paid.

8.8.3 Non-recurring benefits

The monthly standard need is provided for your current cost of living.

In addition, non-recurring benefits can be provided for:

- the basic furnishing of accommodation, including household appliances,
- basic purchases of clothing and equipment for pregnancy and birth, and
- purchase and repairs of orthopaedic shoes, repairs to therapeutic appliances and equipment, and hiring therapeutic appliances.

These non-recurring benefits will be granted as cash benefits or payment in kind (vouchers). A flat sum can be fixed as well.

You are also entitled to benefits for the abovementioned needs if you do not receive any benefits for ensuring the means of subsistence but do not have sufficient income or assets to cover these special requirements in full. In this case, however, income for the next six months after the decision can be taken into account.

8.8.4 Benefits for apprentices

Apprentices, pupils and students who are not excluded from the benefits under SGB II will continue to receive Unemployment Benefit II until the decision on their application for training support is made. The compensation will be based on a reimbursement claim.

The following section only applies to apprentices who can not receive Unemployment Benefit II due to an exclusion of benefits pursuant to S. 7 (5) SGB II.

Benefits in the following section do not establish compulsory insurance in the statutory health and long-term care insurance scheme. If you are not insured elsewhere, you must take out voluntary statutory or private health and long-term care insurance.

1 Bridging loan for the first month of vocational training

For the first month of vocational training you may receive unemployment benefit II in the previous amount as a bridging loan for the period until the first payment of the training grants or training pay. You repay this loan at the end of vocational training. An agreement will be concluded with you on the repayment.

2 Additional needs and layettes on pregnancy and birth

If you satisfy the requirements, in supplement to a training grant you may receive benefits in the amount of the additional needs that are not connected with training. These are:

- additional needs for expectant mothers,
- additional needs for single parents,
- additional needs for a medically required expensive diet,
- additional needs for an unavoidable current need.

You are also entitled to a layette during pregnancy and after the birth for your child.

3 Hardship loan and temporary hardship allowance

If the exclusion from benefits means undue hardship deviating from the standard, you may receive unemployment benefit II, contributions for health and longterm care insurance and benefits for education and social participation in the form of a loan. You repay this loan at the end of vocational training. An agreement will be concluded with you on the repayment.

If the undue hardship is caused by you not receiving a training grant because you have reached the age limit in accordance with s. 10 Federal Training Grants Act, unemployment benefit II and the necessary contributions for health and long-term care insurance for this training can be paid, too, in the form of an allowance. An additional prerequisite is that school education is essential for your integration into employment and alternative vocational training is not available.

If you have any questions on supplementary benefits or loans for apprentices, please contact the Jobcenter responsible for you.

8.9 When, how and for how long are payments made?

Basic security benefits are paid monthly in advance. In the process, all full months are always calculated equally with 30 calendar days. If you are not entitled to benefits for a full month, 1/30 of the monthly benefit will be paid for each day.

EXAMPLES

Entitlement for February with 28 days:

Entitlement starts on 1 February	You receive benefits for 30 days = 30/30
Entitlement ends on 17 February; you have already received benefits for 30 days	There is no entitlement for days 17 to 30 and there was an overpayment for 14 days = 14/30

Entitlement for March with 31 days:

Entitlement for March ends from 31 st March	You received benefits in March for 30 days only; there is no change to the entitlement
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The transferred money is usually available to you one calendar day before the entitlement month. Your Jobcenter has no influence on possible delays in payment (e.g. delayed credit to your account or delayed delivery of a payment order).

Your responsible Jobcenter alone decides on your application. It also arranges for the transfers to you and keeps all the submitted benefits documents. Please contact your Jobcenter if you have questions on the transfer or would like information on benefits matters.

8.9.1 Transfer to an account free of charges

Benefits for basic security are paid free of charge if you have cash payments transferred to a European account. You do not have to be the account holder yourself. However, if you specify an account that you are unable to access for your individual claim, the claim is regarded as being satisfied in spite of this. For this reason, it is recommended that you are at least a joint holder of the account.



PLEASE NOTE

That with transfers to a credit card collection account specifying the credit card number in use is not technically possible, and may result in payment returns. It is therefore strongly recommended to use a checking account for the benefit payments.

8.9.2 Payment if you do not have an account

If you do not have an account, you will be sent a **“payment order for account only”** (cheque). You (or a person you authorise) can have this cheque paid out in cash at any payment office of Deutsche Post or Deutsche Postbank. However, this will cost you a flat charge of EUR 2.85 which will be deducted directly from the benefit.

Please note that for transfers to a credit card collection account, the specification of the credit card number for the purpose of use is technically not possible and may result in payment returns. It is therefore strongly recommended to use a checking account for the benefit payments.

The costs will not be deducted if you show proof that you are unable to open an account at a bank for reasons for which you are not responsible. However, banks have a statutory obligation to set up a basic account for everyone; a refusal is possible in special exceptional cases.

In case of a cash payout, the payout office will retain **additional** payout fees.

Payment amount	Fee
Up to € 50	€ 3.50
Over € 50 to € 250	€ 4.00
Over € 250 to € 500	€ 5.00
Over € 500 to € 1000	€ 6.00
Over € 1000 to € 1500	€ 7.50

Your Jobcenter has no influence over the payout fees.

Amounts of less than € 10 will not be paid out but collected until the amount is higher. If your benefit payout ends, an amount of less than € 10 will also be paid out if it exceeds the fees limit of € 6.35 (minimum fee and flat costs).

8.9.3 Period of approval

Basic security benefits are usually approved for 12 months. This does not apply in the case of an initially temporary decision on the benefits application (e.g. if your income fluctuates), or if the expenses for accommodation and heating are disproportionate. If you are in need after this period, you must submit an application for a continuation of the grant of basic security benefits.

8.10 Attachment of the benefit entitlement

Your entitlement to benefits to ensure the means of subsistence is not distrainable and therefore cannot be assigned or attached in principle.

You will only obtain automatic protection against attachment for your current account if you have it converted into a so-called attachment exempt account (“P-Kon-to”). Defined exempt amounts in this P-Konto cannot be attached.

Your bank can provide you with more detailed information on a P-Konto.

9 What are the effects of income and assets?

Only persons who are in need of help receive basic security benefits. Who is in need of help was described in » **Chapter 8.1.2.**

The principle is simple: you must first use your own resources before you receive financial assistance. These resources include income and assets.

This means that if you have income or assets, the need for help may lapse temporarily, partially or in whole, depending on what part of the income and assets is to be set off.



PLEASE NOTE

You must indicate your full assets and income in the application.

The amount to be taken into account, if any, is decided by the Jobcenter in accordance with statutory provisions. It is authorised and obliged to check your information and that of other persons in the household.

If you are in any doubt, better ask.

9.1 What does “income” mean?

In principle, income is all earnings in money that accrue to you from the submission of the application, irrespective of their type and origin, whether they are intended

for covering your livelihood or are liable to tax, or whether they are non-recurring or recurrent.

9.1.1 Income that is to be taken into account

Income includes, for example:

- income from dependent employment and self-employment;
- wage compensation payments such as unemployment benefit, parental benefits or sick pay;
- income from letting and leasing, farming and forestry;
- maintenance payments, child benefit;
- capital and interest earnings;
- income from shareholdings;
- pensions of all kinds;
- non-recurring income (e.g. tax refunds, severance payments, inheritances).
- vocational training assistance, training allowance, BAföG.

9.1.2 Income that is not to be taken into account

Specific earnings are not regarded as income as defined in the SGB II and are not set off (privileged income). For example:

- basic pensions under the Federal Pensions Act and statutes that provide for a corresponding application,
- blind person’s allowance,
- care allowance for full-time care for educational measures for the first and second foster child in full and 25 % for the third foster child insofar as this is not child day-care,
- special allowances, such as, for example, immediate aid in case of disasters, donations from public funds (for anniversaries, life-saving), donations from raffles for those in need.

9.2 Which amounts can be deducted from income?

On the basis of the income you stated, your Jobcenter will calculate your income that is to be considered by deducting the applicable deductions and allowances from the income you stated.

Different allowances, deductions as well as expenditures are deducted from income, depending on the type and the amount of the income.

Amounts and allowances to be deducted from income are, among others:

- applicable taxes,
- compulsory contributions to the statutory social security scheme,
- statutorily prescribed and reasonable private insurance policies
- contributions to retirement pensions promoted by the Income Tax Act,
- income-related expenses (e.g. travel costs, two households),
- expenditure in fulfilment of statutory maintenance obligations,
- allowances for gainful employment.

SUMMARY

The amounts to be set off in the calculation of income are always determined on a case-by-case basis.

Your allowance for gainful employment:

If you receive income for gainful employment, this is always set off against basic security benefits.

However, the allowances ensure that in the end you have more money available than without income from gainful employment.

Important:

The gross income (income before taxes and deductions) is decisive for the amount of your allowance.

- The first **€ 100** of earned income are exempt (basic allowance).
- In addition, **20 %** of the gross income over **€ 100** up to and including **€ 1000** is exempt.
- In addition to the other two allowances, **10 %** of your gross wages over **€ 1000** up to the upper earnings limit are exempt. For beneficiaries who are childless, the upper earnings limit is a gross income of **€ 1200**; for beneficiaries who live in a benefits community with at least one minor child it is **€ 1500**.

EXAMPLE

Your gross income is €1900. Let us assume that € 1500 remained after deduction of taxes and social security contributions.

Of this, exempt:	€ 100
From € 100 to € 1000 Euro = € 900 additional 20 % exempt =	€ 180
From € 1000 to € 1200 = € 200 additional 10 % is exempt =	€ 20
Total exempt amount:	€ 300

If you have a minor child, there is an additional maximum € 30 allowance (from € 1200 to € 1500)

EXAMPLE

You have marginal employment (up to € 450) so that you do not usually pay taxes and social security contributions.

The following can be deducted from your income:

The basic deduction amount of	€ 100
Plus 20 % of the remaining € 350	€ 70
Resulting allowance	€ 170

9.3 Time of consideration of the income

Regular income is to be taken into account for the month in which you receive and have it at your disposal, unless the law specifies deviating periods of consideration.

Non-recurring income (e.g. holiday pay, special payments, tax refunds, etc.) is also to be taken into account in the month in which you receive it. However, if you have already received benefits for this month without this non-recurring income being taken into account, the income will not be taken into account until the following month. A spread over 6 months takes place if the entitlement would lapse if the income was taken into account in one month.

Unemployment benefit II is paid in advance, i.e. at the beginning of the month, so that overpayment can occur if you have income in the current month. This is beyond the Jobcenter's control. You must reimburse the amount overpaid (see » **Chapter 3.4** on cancellation and the obligation to make restitution).

9.4 What does “assets” mean?

Your assets include all “goods and chattels” that are quantifiable in money – regardless of whether the assets are in Germany or abroad.

They include, for example, cash, credit balances in investment accounts, savings, building savings, savings bonds, securities (e.g. shares and fund shares), chattels (for example, vehicles or jewellery), endowment policies, houses and property, freehold flats and other property rights in rem.

In principle, your own realisable assets are to be taken into account, as well as the assets of the dependents who live with you in the benefits community.

Assets are realisable if they can be used directly for your livelihood or their cash value can be used for your livelihood through consumption, sale, mortgaging, letting or leasing. Assets that you may not dispose of freely (e.g. because the asset is pawned) are not realisable.

Money that you received before the period of need (that is, before the month in which the application was made) is included in the assets.

9.5 Deductions to be made from assets

As with income, there are various allowances for assets depending on the asset type.

For example:

- basic allowances of € 150 per year of life,
- pension provision from “Riester” investments,
- allowance for other pension provision of € 750 per year of life, if asset realisation is not possible before

the start of retirement (“exclusion of realisation”), and

- allowance for necessary purchases in the amount of € 750.

■ SUMMARY

As with income, the allowances for the assets calculation are always determined on a case-by-case basis.

9.6 Not to be taken into account as assets

The following assets are not to be taken into account:

- appropriate household goods,
- an appropriate motor vehicle,
- assets for securing retirement and rights on exemption from the pensions insurance obligation to a reasonable extent,
- a reasonable owner-occupied freehold flat or a reasonable owner-occupied house and land,
- assets for the forthcoming purchase or for the maintenance of a reasonable house and land for persons who are disabled or in need of nursing care,
- objects and rights whose realisation is evidently uneconomical or would mean considerable hardship for the person concerned.

9.7 Waiving immediate asset realisation

Benefits are provided as a loan if the immediate consumption or realisation of assets that basically have to be taken into account is not possible, or if their consumption or realisation would mean special hardship.

The loan may be made dependent on whether the claim for repayment is secured in rem (e.g. with a mortgage) or in another way.

10 Benefits for education and social participation

Needs for education and participation in social and cultural life are taken into account for children, young persons and young adults along with the standard need in the so-called separate “educational package”.

10.1 What benefits are available?

- **School day trips and class trips lasting for more than one day**
The costs of day trips / class trips may be taken over for school pupils and children who attend day-care centres.
- **Personal school supplies**
As a rule, pupils receive a total of 100 euros for school supplies, during the school year.
- **Reasonable learning grant**
A supplementary learning grant may be given if the school confirms the need and there are no comparable in-school offers.
- **Allowance for joint lunches**
If schools, child day-care centres or child minders offer lunch, an allowance for lunch may be granted. The parents' own share is a € 1/day.
- **Participation in social and cultural life**
Children and young persons under 18 receive a budget of € 10 per month for attending clubs, culture or leisure facilities if membership is verified.

- **School travel costs**

School pupils who cannot reach the nearest secondary school on foot or by bike are usually given an allowance for travel costs.

10.2 How are the benefits provided?

The support may be provided in cash or as goods and services – in particular in the form of vouchers. There are different procedures for benefits settlements and costs reimbursement. Local authority providers specify their own procedure and will inform you accordingly.



INFORMATION

Keep invoices, receipts, tickets or registrations in a safe place because you may need them as verification.

10.3 Applications

A separate application is required for each child for all benefits in the education package (with the exception of personal school supplies). Please submit applications in good time so that your children can enjoy the benefits to the full extent.

Local authority providers are responsible for sponsoring and implementing the education package. This is usually implemented in the Jobcenter for those receiving unemployment benefit II.



LINK

You can find more information on the Internet at:

» www.bildungspaket.bmas.de.

11 Social security

11.1 Health and long-term care insurance

If you receive unemployment benefit II (not loans or social benefit), you are in principle subject to compulsory insurance in the statutory health and long-term care insurance fund. In this case, your Jobcenter cannot take over costs for other insurance in case of illness.

Jobcenters do not insure recipients of social assistance in the statutory health and long-term care insurance fund. Please contact your health insurance fund yourself with regard to your insurance cover.

If you had private health insurance before receiving unemployment benefit II, this stays in place when you receive unemployment benefit II. If you did not have health insurance and were self-employed in your main occupation, or were exempt from insurance under s. 6(1) or (2) Social Code Book V, you will not be statutorily insured either through the receipt of benefits. In this case, you will have to take out your own private health and long-term care insurance. Your Jobcenter may be able to help you with an allowance towards the contributions for health and long-term care insurance (see » **Chapter 11.4 and 11.5**).

In addition, there are special rules for the entry of the health insurance obligation if you have reached the age of 55 at the start of your receipt of unemployment benefit II.

In Germany there is an obligation to take out health and long-term care insurance for everyone - including claimants for benefits to secure subsistence in accordance with SGB II.

You can find more information in the » **Merkblatt Leistungsberechtigte SGB II ohne Kranken- und Pflegeversicherungsschutz (SGB II claimants without health and long-term care insurance)**.



PLEASE NOTE

Your Jobcenter does not insure you until the benefit that you applied for has been **approved**. Insurance cover always begins – including retroactively – with the first day for which you receive benefits. This means that you have no insurance cover if you need treatment in the period between submission and approval of your application! For this reason, you should contact your health insurance fund regarding temporary insurance cover for you and your dependents.

The name of the health insurance fund with which you are insured is stated in your approval or change notice. The Jobcenter notifies the start and end of the receipt of benefits to your health insurance fund, as well as any interruptions.



PLEASE NOTE

If you receive benefits without entitlement (e.g. on the basis of false information in the application), you must expect to repay not only the overpayments of benefits to your Jobcenter but also the health and long-term care insurance contributions.

Your contributions to the health and long-term care insurance fund will no longer be taken over by the Jobcenter in the period in which you do not receive any benefits to ensure the means of subsistence. However, your health insurance cover is still guaranteed – regardless of benefit receipt. This also applies for the period during future or current administrative appeal or legal proceedings. However, you need to contact your health insurance fund or your health insurer **without delay** with regard to the implementation of your health insurance cover. They will inform you of your rights and possibilities for securing your health insurance cover.

11.1.1 Right to choose a health insurance fund

In case of obligatory insurance in the statutory health insurance fund, the Jobcenter always registers you with the same statutory health insurance fund that provided health and long-term care insurance before you started to receive benefits. If you terminated your previous health insurance fund in good time, you can choose another health insurance fund.

If you were previously covered by family insurance, at the start of your receipt of unemployment benefit II you, or child(ren) living with you in the benefit community, have the right to choose a health insurance fund. If you do not select a new health insurance fund, you will be compulsorily insured with your previous health insurance fund.

A change of the reason for insurance (e.g. unemployment benefit II following employment subject to compulsory insurance) or a change to the benefits type (e.g. receipt of unemployment benefit II following or alongside the receipt of unemployment benefit) does not give rise to a new right to choose a health insurance fund.

Members of agricultural health insurance funds cannot change to another health insurance fund.

You must submit a certificate of membership from the selected health insurance fund to the Jobcenter at the latest within two weeks after your application.

If you do not exercise your right to choose, your Jobcenter will make the choice for you.

The right to choose may be exercised at the start of the receipt of benefits in compliance with commitment and termination periods.

Persons subject to compulsory insurance are bound by their choice of a health insurance fund for 18 months. Following this, you may terminate your membership with notice to the end of the next month but one.

The decision on the effectiveness of the choice of a fund is made by the health insurance fund and not by the Jobcenter.

Please contact your health insurance fund for further information.

11.2 Accident insurance

You are covered by accident insurance if you visit the Jobcenter at the request of the Jobcenter or another office (e.g. for a medical examination). In your own interest, you must immediately report an accident to your Jobcenter in charge (e.g. present at it to the employer or during medical examination). Accident insurance coverage is also provided if you participate in a subsidized measure, e.g. for employment integration training. If there is insurance coverage, the round trip to the place of the training and the stay there are insured for accidents. In your own interest, you must immediately report a commuting accident to your Jobcenter.

11.3 Pensions insurance

Receipt of unemployment benefit II means that you are not compulsorily insured in the statutory pensions insurance fund. However, your employment agency in charge will notify the period in which you receive unemployment benefit II to the pensions insurance fund which then checks whether these periods can be considered.

The Jobcenter will inform you of the periods of benefit receipt that are notified to the pensions insurance fund.

If you have any further questions on the subject of periods considered for your pension, please contact your pensions fund.

11.3.1 Notifying the pensions insurance fund of periods without benefit receipt

Under certain conditions, which are regulated in pensions insurance law, a period of unemployment without benefit can be considered and be notified by your responsible employment agency to the pensions insurance fund.

If you are unemployed and you are not entitled to unemployment benefit II because you do not need help, you should register without delay as unemployed at the appropriate employment office if you have not already done so.

11.4 Allowance towards insurance contributions

In spite of benefit receipt, you are not always compulsorily insured in the statutory health and long-term care insurance fund. If you are voluntarily statutorily or privately insured, under certain preconditions, a grant towards your insurance contributions will be paid.

Please contact your health insurance fund with any questions on the continuation of private or voluntary statutory health / long-term care insurance during or after the end of benefit receipt. A grant towards your private or voluntarily statutory insurance can also be paid if you are in receipt of social assistance. Since 2011, grants towards pensions insurance contributions can no longer be provided.

TIP

You can find further information in the » **Merkblatt Zuschuss zu den Versicherungsbeiträgen der Kranken- und Pflegeversicherung (§ 26 SGBII)** (Brochure Allowances towards Insurance Contributions for Health and Longterm Care Insurance (s. 26 SGB II)).

11.5 Allowance towards insurance contributions to avoid a need for help

If you are not entitled to unemployment benefit II or social assistance, for example because you have sufficient income to ensure your subsistence, your Job-center does not provide for health and long-term care

insurance cover. If you do not have any other health insurance and are not covered by family insurance either (for example, with your spouse, your life partner or as the child of a fund member), you must insure yourself. An allowance will be granted if your income is insufficient for payment of your contributions to the health and longterm care insurance fund as well.

TIP

You can find further information in the » **Merkblatt Zuschuss zu den Versicherungsbeiträgen der Kranken- und Pflegeversicherung (§ 26 SGBII)** (Brochure Allowances towards Insurance Contributions for Health and Long-term Care Insurance to avoid a need for help (s. 26 SGB II)).

12 Sanctions

12.1 Reduction and cancellation of unemployment benefit II / social benefit

The law provides for legal consequences (sanctions) in varying amounts in case of a breach of obligation without good cause. The benefit is then reduced or cancelled completely.



PLEASE NOTE

As a consequence of non-compliant behaviour in spite of a warning about the legal consequences or knowledge of them, your unemployment benefit II is reduced in a first step by 30 % of the standard benefit to which you are entitled for the period of three months.

There are different legal consequences for you if you have not reached the age of 25. (See » **Chapter 12.5**.)

Please observe the following information in your own interests, in particular to avoid disadvantages from the start.

Breach of obligation is found among other things if, in spite of a written warning about the legal consequences or knowledge of them:

- you refuse to comply with the obligations stipulated in your integration agreement, in particular to show proof that you have made sufficient efforts of your own,
- you refuse to take up or continue a reasonable job, training place, work opportunity or subsidised em-

ployment offered to you, or obstruct the occurrence through your behaviour, or

- you do not start a reasonable measure for integration into employment, or break it off, or give cause for the cancellation.

12.2 Repeated breach of obligations

If you breach your obligations repeatedly, although you were warned about the legal consequences or were aware of them, your unemployment benefit II will be reduced on the first repeated breach of obligation by 60 % of the relevant standard needs. On each further repeated breach of obligation, your entitlement to unemployment benefit II and also your insurance cover in the health and long-term care insurance fund will be cancelled in full. The reduction period is three months in each case.

EXAMPLE

30% reduction from 01.03. to 31.05. Following this, repeated breach of obligation on 03.08, sanction notice from August 20.

In consequence, the entitlement to unemployment benefit II is reduced by 60% of the standard needs from 01.09. to 30.11.

There are different legal consequences for you if you have not reached the age of 25 (see » **Chapter 12.5**). A repeated breach of obligation no longer obtains if more than one year has passed since the start of the previous reduction period. In the event of a reduction by more than 30 % of the standard needs, payments in kind (e.g. food coupons) may be provided to a reasonable extent on application. If minor children live in your household, these benefits will be provided ex officio.

The following must be noted in case of complete cancellation of the benefit:

The provision of supplementary payments in kind or benefits in money's worth (e.g. food coupons) means that unemployment benefit II is drawn again and there is insurance cover in the health and long-term care insurance fund.

If supplementary payments in kind or benefits in money's worth are not provided (for example, because you waive them), unemployment benefit II is not drawn and therefore there is no insurance cover in the health and long-term care insurance fund based on benefit receipt. You must pay the accruing health and long-term care insurance fund contributions yourself during this period. These contributions are not to be taken over by the Jobcenter. This affects contribution payments for private health insurance as well.

12.3 Sanctions on failures to register

You must comply with a request for you to report in person to your Jobcenter. If you do not do this although you were warned in writing about the legal consequences, or were aware of them, unemployment benefit II will be reduced by 10% of the relevant standard needs.

EXAMPLE

Because of a failure to register the entitlement is reduced by 10% from 01.06. to 31.08. An additional invitation for 10.07. is not complied with; sanction notice from July 21.

In consequence, the entitlement is again reduced by 10% of the standard needs from 01.08. to 31.10. This means that the entitlement is reduced by a total of 20% in the overlapping month of August.

12.4 No consequences if there is a good reason

Sanctions are not imposed if you can show proof of a good reason for your behaviour.

A good reason exists only if, on balance, your individual interests outweigh the interests of the general public. In addition, you must also have undertaken a reasonable attempt to eliminate or avoid the reason, or show proof that the attempt was unsuccessful. Furthermore, you are only obliged to accept or carry out reasonable work.

A job is not reasonable, for example:

- if carrying out the work would endanger the care of a child under three,
- if care of dependants cannot be reconciled with working, and the care cannot be ensured in another way, or
- if you are physically, mentally or psychologically unable to carry out the work.

12.5 Stricter consequences for persons eligible to benefits who are under 25

If you are aged between 15 and 25, on a first breach of obligation (with the exception of failures to register) only the costs for accommodation and heating will be taken into account for a period of three months; these will usually be paid directly to your landlord.

In the event of a repeated breach of obligation, the costs for accommodation and heating will also not be taken over for a period of three months and the insurance cover for health and long-term care insurance will be cancelled. If you subsequently declare your willingness to comply with your obligations, the costs of accommodation may be paid again from the date of your declaration.

In addition, supplementary payments in kind (e.g. food coupons) can be provided on application. If minor children live in your household, these benefits will be provided ex officio.

The following must be noted in case of complete cancellation of the benefit:

The provision of supplementary payments in kind or benefits in money's worth (e.g. food coupons) means that unemployment benefit II is drawn again and there is insurance cover in the health and long-term care insurance fund.

If supplementary payments in kind or benefits in money's worth are not provided (for example, because you waived them), unemployment benefit II is not drawn and therefore there is no insurance cover in the health and long-term care insurance fund based on benefit receipt. You must pay the accruing health and long-term care insurance fund contributions yourself during this period. These contributions are not to be taken over by the Jobcenter. This affects contribution payments for private health insurance as well. The duration of the sanctions may be shortened to six weeks taking all the circumstances of your individual case into account.

12.6 Special conditions for young persons in search of training / pupils

The Jobcenter can transfer vocational training placement to the occupational guidance office in the local employment office. If your Jobcenter does this, your integration specialist will inform you in the first interview, point out your rights and obligations, and agree appropriate steps with you in an integration agreement.

In this case, the information on sanctions also applies to invitations and placement suggestions that you then receive from the vocational advisory service. The special situation of school-age young persons who are looking for training will, of course, be taken into account.

12.7 Special features with simultaneous receipt of Unemployment Benefit.

A failure to report or a period of cessation at the Employment Agency will also lead to a sanction for Unemployment Benefit II. For the amount of the reduction in Unemployment Benefit II, see Chapters 12.1, 12.2, 12.3 and 12.5. 12.8 Social welfare sanctions.

12.8 Sanctions in case of social benefit

If you receive social benefit, non-compliant behaviour may be sanctioned in the same way as if you were receiving unemployment benefit II (see » **Point 12.1**).

13 How are claims against third parties dealt with (above all for maintenance, wages, compensation)?

If you or other members of your benefits community who receive benefits for ensuring their livelihoods have a claim against a third party (not including other benefits providers), the claim is assigned by operation of law to the Jobcenter for the period in which it paid the benefits.

Your Jobcenter is now the holder of the claim up to the maximum amount of the benefit that it pays or paid to you or the other members of the benefits community. Any part of the claim above this remains with you or the other members of the benefits community. The assignment has retroactive effect only if the legally bound party was notified of the payment of benefits.

Examples for such claims that you or other members of the benefits community may include:

- a claim based on unjust enrichment or
- a claim against heirs for a reserved portion or a claim for the return of a gift.

Special features in case of maintenance claims:

Civil law maintenance claims may also be assigned to the provider of basic security benefits for jobseekers up to the amount of the benefits that were paid if they are not fulfilled through current monthly payments to you.

These are in particular:

- maintenance claims of minor children,
- maintenance claims of full-age children up to the conclusion of first vocational training,
- maintenance claims on separation (if you are married or your civil partnership is registered) or divorce,
- maintenance claims by reason of birth (child support).

This means for you: maintenance claims are considered if you are a single parent, you are separated from your spouse or civil partner, you are divorced or your civil partnership was revoked. In these cases, there may be maintenance claims both for your child and for you.



PLEASE NOTE

In principle, you may **not** waive these maintenance claims (e.g. in a written agreement or an oral arrangement with the person who owes the maintenance) and release the person who owes the maintenance from payment. This applies in particular for future maintenance. In addition, you are not permitted to agree less maintenance than you would be entitled to.

Claims for wages from your employer

If your employer owes you wages, for example because you took legal action against the termination or the end of the fixed term of your employment contract, these wage claims may also be transferred to the provider of basic security benefits for jobseekers (insofar as these wage claims have not already been transferred to the employment office as a result of receipt of unemployment benefit and are being pursued by the Jobcenter).

This also applies if your employer does not comply with the minimum wage in the temporary employment sector, does not pay you the minimum wage to which you are entitled or the (collectively) agreed wage, or the wage agreed between you and your employer is too low contrary to public policy. The Jobcenter can then in principle claim the difference between the wage paid and the wage to which you were legally entitled for the periods in which you and the members of your benefits community had to receive supplementary benefits under SGB II for this reason.



PLEASE NOTE

If the wage claim has been transferred, you no longer have the right to claim it yourself (or through your representative). Also, the transferred claim cannot be transferred back to you because of a lack of a statutory basis.

If you or your representative have questions about this issue, please contact your Jobcenter.

Recourse

If you have to claim unemployment benefit II because of an injury resulting from a damaging event, your Jobcenter is obliged to check possible recourse claims against the party that caused the damaging event. In a case of recourse of this nature as well, your claim against the injuring party or liability insurer is transferred to the Jobcenter by operation of law.

Typical cases of recourse are:

- road traffic accidents,
- work-related accidents (among others, travel accidents),
- accidents resulting from breach of a duty of supervision,
- accidents resulting from breach of a duty to make land or premises safe (e.g. breach of duty to clear snow and ice or strew salt or sand),
- medical liability cases (e.g. medical malpractice, birth defects),
- accidents during leisure time (e.g. sport accidents),
- injuries / accidents caused by animals,
- criminal acts (e.g. assault),
- product liability cases (e.g. material defect).

If there is a causal connection between your injury and the receipt of unemployment benefit II, i.e. the social benefit is (still being) paid precisely because of this injury, your Jobcenter will contact the injuring party or the liability insurer to assert the claims.

14 Data protection

The Jobcenter needs your data to determine your entitlement to benefits for basic security and pay you appropriate benefits.

In this context, the required data (documents, verifications) include your bank statements. Bank statements are required for the last three months for every account held by members of the benefits community. The period is extended to six months in case of an application for a continued grant.

However, you may blacken the payees and the purposes of defined debit postings that are not connected to your SGB II benefit on the copies of your bank statements (contributions to political parties, trade union subscriptions, religious associations, etc.).

You may not blacken any information on credit postings, on account balances (balance at the end of the statement) and on all debit postings that are affected by this law (rent payments, heating costs, payments for electricity, maintenance payments and insurance contributions, etc.).

Copies of bank statements that you submit may be filed in the benefits files in the Jobcenter, if facts can be seen in the bank statement that have a direct effect on the benefits to cover subsistence that you applied for.

The competent Jobcenter decides in each case on the storing of your bank statements. Your bank statements, or copies of them that are not required after the audit, will be returned to you, or the copies will be destroyed in conformity with data protection regulations.

The Social Code protects you in particular against unauthorised use of your personal data. These may only be collected, processed or used if a legal provision permits this or you have given your permission. If you have applied for benefits, only your necessary personal data will be collected and saved electronically or in documents/files. These will be destroyed after conclusion of the benefits proceedings with due regard to the required time limits. You may without charge request information regarding data kept in manual or automated electronic documents or on file, correct the data or – in the cases named in the statute – have them blocked or deleted as well. The Jobcenter may also use your personal data to the necessary extent to carry out other statutorily permitted tasks under the Social Code. Your personal data will be forwarded to other agencies (e.g. to health insurance funds, pensions insurance funds or other authorities) only if this is permitted by law.

Medical opinions contain social data that are particularly sensitive and are excluded in accordance with s. 76(2) No 1 SGB X from transmission to third parties, for example, other social benefits providers or other agencies as defined in s. 35 SGB I if you expressly object to transmission.

There may be circumstances in which it is necessary to obtain data and information from third parties that is subject to a duty of confidentiality. In these cases, prior release from the duty of confidentiality by you is necessary. This declaration is voluntary.

To prevent benefits abuse, the responsible providers are authorised to compare data from persons entitled to benefits their financial and personal situations automatically with data from other benefits providers – and other defined agencies – (e.g. with data from the Federal Central Tax Office (BZSt) and with data from employers' liability insurance associations and social insurance funds) and to check their correctness in this way.

In addition, given appropriate indications, information may be obtained from the central vehicle register, the register of residents and the central register of foreign nationals.

To clarify the income and assets situations of the benefits community, where appropriate, a retrieval request may be submitted to the BZSt at any time – including after receipt of the notice of approval – for each member of the receipt of the approval notification. In case of a retrieval request, the BZSt transmits the account master data for all accounts from banks (including the name of the account holder, date of birth, account number and powers of disposition) if no more than three years have elapsed since the accounts were closed.

In justified individual cases, Jobcenters may carry out external investigations - in particular house calls – to clarify benefits questions. In case of reasonable suspicion of benefits abuse, a house call may take place unannounced. The field officers identify themselves at the start of a house call and explain the reasons for the measure. Because of the inviolability of the home under Article 13 of the German Basic Law (Grundgesetz), you have the right to refuse access to the residence. Acquiescence in the house call is voluntary and is not part of your obligations to cooperate. For this reason, an application for benefits may not be rejected solely

because of a refusal of a house call. However, if a need that you claim cannot be ascertained in any other way, this may lead to a refusal of the benefit you applied for.

SUMMARY

Jobcenter staff only record data from you that they require for their work (calculation of benefits, placement).

You must always provide complete and truthful information.

If you make false statements, you expose yourself to the risk of administrative offence or criminal proceedings.

Concluding information and tips for everyday life

15 Proof for other authorities and institutions

You can show proof that you receive basic security benefits for jobseekers with the notification of approval issued by your Jobcenter and evidence of the last benefit you received (e.g. by means of a bank statement).

Your Jobcenter provides you with a record of benefits paid annually or at the end of the period of benefit receipt. This contains the periods in which you received benefits.

Please keep these documents in a safe place!

INFORMATION

You can use a certificate stating that you receive benefits, for example, to apply to the TV licencing office for ARD, ZDF and Deutschlandradio for exemption from the TV licence fee. A certificate for submission to the TV licencing office is enclosed automatically with the approval notice.

Submit your application for exemption from the TV licence as soon as possible. Delay in applying can lead to disadvantages for you because exemption will then be granted at a later date.

16 Practical tips

You can find an example of a household budget on the next page.

16.1 Saving – but how? The household budget

If you control your expenditure with a housekeeping book, you can where your money comes from and where it goes to.

This allows you to coordinate your incomes and outgoings optimally and to plan your finances with foresight.

TIP

- Put only the amount of money in your purse or wallet for each week that your budget allows.
- Before shopping, check what you really need and then write out a shopping list. Buy only items that are on your shopping list.
- Before shopping, check for special offers and base your menu on the offers.
- Some branded products are available for much less under a different name with the same quality, and “no name” products are good quality as well.
- Buy large packs only if they are really cheaper than smaller quantities and you can store food correctly or freeze it.
- Buy smaller quantities if you have previously thrown a lot out.
- Cooking meals yourself is cheaper and healthier than using convenience products.
- Ask passenger transport companies about social tickets.
- Have yourself exempted from payment of the TV licence (see p. 71)
- Ask your local authority about possible benefits.
- Ask about concessions at cultural and leisure events.
- Ask your telephone provider about social rates.

INCOME

Salary/wages:	€
Alg II benefits:	€
Support from friends/ relatives:	€
Second jobs:	€

FIXED COSTS

Living	
Rent/mortgage:	€
Additional costs (water/heating):	€
Electricity:	€
Insurance	
Household goods:	€
Liability:	€
Health:	€
Other (life, accident, etc.):	€

VARIABLE COSTS

Food:	€
Household:	€
Clothing:	€
Hygiene:	€
Alcohol and tobacco:	€
Presents:	€

Maintenance:	€
Pension:	€
Rent income:	€
Income from savings and investments:	€
Child benefit:	€
Total:	€

Mobility	
Road tax:	€
Car insurance:	€
Monthly season ticket:	€
Education/children	
Childcare:	€
Clubs/courses:	€
Pocket money:	€
Loans:	€
Total:	€

Entertainment (books, cinema, CDs, etc.):	€
Car (fuel, repairs):	€
Pets:	€
Health costs:	€
Leisure:	€
Total:	€

16.2 Work, here I come! – The application

Often, the first impression decides on the invitation to an interview. Your application folder is the first thing from you that your possible employer sees. For this reason, you should take great care with the contents and formal composition of your application letter and with the other application documents.

A complete written application should include the following documents in the order shown below:

- application letter,
- tabular CV, possibly with a picture,
- copies of the last school report,
- any confirmations of work experience or courses (certificates / further training).

TIP

- Write your application where possible with a computer on white A4 paper and leave a 2.5 cm margin.
- Always submit new application letters and CVs in the original, but references and certificates as legible copies.
- Avoid mistakes and make sure that the documents are clean and are not dog-eared.
- Check that the date and the personal data in the application letter and the CV coincide.
- Sign the letter by hand. This leaves a personal impression.
- Before posting the application documents, have them checked by your family or friends to make sure that you have written them clearly, legibly and without errors, and have presented yourself convincingly.
- The best thing to do is to copy each application so that you know what you wrote when you are asked to come to an interview.

- Put all the documents into a special application folder or a clip folder (do not punch) in this order: CV, then copies of your references in order of date (the latest first). Insert the application letter loosely on top. Put everything into a large, sturdy envelope (do not fold).
- Don't forget to put your name and address and the correct addressee on the envelope.
- Make sure there is sufficient postage; if necessary, post the letter yourself.
- Your Jobcenter supports your application efforts with advice, and on application you can have the costs of your applications reimbursed.

SUMMARY

Your applications are the first step to a new job.

Take enough time to prepare them and, if necessary or if you are not clear about something, ask your family or friends for advice.

The Jobcenter staff will be pleased to help you to prepare your applications.

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Other brochures / links

These brochures provide you with information on the services and benefits provided by your employment office:

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Brochure 1a	For partially unemployed persons
Brochure 3	Placement services and benefits
Brochure 5	Dismissals subject to notification
Brochure 6	Support for further occupational training
Brochure 7	Employment of foreign workers in Germany
Brochure 8a	Short-time working benefit for employers and workplace representatives
Brochure 8b	Short-time working benefit for employees
Brochure 8c	Transfer payments
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Brochure 14	Gradual retirement
Brochure 16	Contracts for services – employment of foreign workers from non-EU states
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Brochure 17	Taking account of compensation for dismissal
Brochure 18	Women and employment
Brochure 20	Unemployment benefit and employment abroad

Brochure	Information on support for homes for young people
Brochure SGB II	Basic security benefits for job-seekers – unemployment benefit II/ social assistance/ integration into employment
Brochure s. 26 SGB II	Allowance for insurance premiums for health and long-term nursing insurance
Brochure s. 26 SGB II	Allowance for insurance premiums for avoiding the need for help

 **LINK**

You can find the above brochures and others on the website of the Federal Employment Agency at:
 » www.arbeitsagentur.de > Downloadcenter.
 There you can find selected brochures translated into various languages.
 Visit » www.arbeitsagentur.de as well for the latest information on services and benefits from the employment agency.

Publisher

Federal Employment Service
Cash Benefits and Law SGB II
January 2018

www.arbeitsagentur.de

Printed by
GGP Media GmbH, Pößneck