



Unemployment benefit II in Berlin

Basic income support for jobseekers
("Hartz IV")

With detailed information about

- Benefits for the cost of housing
(Implementation order - housing),
- Benefits for education and social participation
- Offers for people with little money

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Due to the Corona pandemic, the legislator has repeatedly made *temporary* changes to some regulations on unemployment benefit II and supplementary child allowance. The relevant text passages are marked with a * in this practical guide, where you will also find a link to our [online information](#): "What currently applies when I apply for unemployment benefit II ("Hartz IV") or supplementary child allowance?" This will inform you about the current legal situation regarding the special regulations on Corona. After the expiration of the special regulations, the regular provisions on basic income support for jobseekers (SGB II – Social Code II) will apply again.

The information "What currently applies when I apply for unemployment benefit II ("Hartz IV") or supplementary child allowance?" is also available for download in German and English on our website www.beratung-kann-helfen.de/algii-ratgeber.

Dear users of this practical guide,

Anyone in need of assistance has a right to be guaranteed a minimum subsistence level worthy of human beings and a minimum level of socio-cultural participation. This idea is derived from the guarantee of human dignity in our Constitutional Basic Law. Our constitution's requirement of a welfare state sees people as individuals endowed with rights and not, as in earlier times, as recipients of handouts.

However, the fact that it is a legal entitlement also means that those who find themselves in existential need and are dependent on basic security benefits such as unemployment benefit II are confronted with an administrative procedure. This entails forms and obligations to provide proof. Not everyone is equally familiar with these and knows their rights.

This practical guide on unemployment benefit II offers valuable help. The Berlin Unemployment Centre (BALZ) explains your rights and informs you about what you should know when dealing with the Jobcenter and what you should bear in mind when claiming your rights.

This guide is based on many years of counselling practice in Berlin. The BALZ is the oldest independent counselling centre for the unemployed in Berlin. It provides advice on unemployment benefit and unemployment benefit II throughout the city and has many years of expertise. For more than 40 years, it has been advocating for the needs of the unemployed and employed on low incomes, thus doing good and important work in our city.

The Senate Department for Integration, Labour and Social Affairs has supported the BALZ financially since 2016. This practical guide, which was produced in cooperation with the Diakonisches Werk Berlin-Brandenburg-schlesische Oberlausitz, was also supported by the Senate Department.

The particular strength of the guidebook is that it addresses the situation in the state of Berlin in detail and comprehensively. With its detailed information on municipal benefits for housing costs (AV-Wohnen), on education and participation, and on the Berlin Pass, it is an indispensable companion for people with low incomes.

I am particularly pleased that the practical guide is published in numerous languages. This also makes it an important tool for new Berliners - regardless of whether they came to Berlin as EU citizens or refugees.

The guide is rounded off with an overview of further counselling services in the city area - for example, on questions of tenancy law, debts, help in the case of threatened or existing homelessness, etc. The online guide complements the practical guide as hardcopy. The online counselling platform www.beratung-kann-helfen.de, which complements the guide, keeps all information on unemployment benefit II in Berlin up to date.

The assistance provided by BALZ is particularly important in these times. Developments on the labour market give cause for cautious optimism. Nevertheless, there will be people who will continue to need the services of the Jobcenters because they have not yet succeeded in re-entering employment during the pandemic.

I wish you an enlightening read.

Katja Kipping

Senator for Integration, Labour and Social Affairs

IMPRINT

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Editorial note:

For the purpose of readability, we have refrained from using gender-related wording. Of course, people of all gender identities are always included, even if in some places only one gender is explicitly mentioned.

FOREWORD

Dear readers,

The system of the basic income support for jobseekers with the unemployment benefits II and income support, frequently called "Hartz IV", is considered even among specialists as highly complex. Its legal basis, the Social Code (SGB) II, has been changed countless times since 2005. Many legal terms are besides indefinite, are differently interpreted and can often only be clarified in court. It is difficult to keep track of them.

It is important to be well informed, especially with "Hartz IV". After all, it is about the subsistence minimum. In Berlin the basic income support for jobseekers secures the existence nevertheless of half a million individuals.

With this practical guide, we want to inform you about your rights and what you should know and observe when dealing with the authorities, to satisfy your rights. If you do not understand something, or do not fully understand it, or if you have any further questions, then let us help you. Counselling centres provide information, review the notifications you receive from the authorities and help you to draft letters and appeals.

You can find the addresses of counselling centres on unemployment benefit II and other relevant topics, for instance debts, pregnancy, mental crises, housing shortage or migration via our counselling platform www.beratung-kann-helfen.de and in Chapter 19 at the end of this practical guide.

Berlin is a colourful metropolis. Our city is home to hundreds of thousands of people of a nationality other than German. In order to reach them as well, we have had this practical guide translated into several languages.

This practical guide has been compiled to the best of our knowledge and with great care. However, we cannot accept any liability for the accuracy or completeness of the information. We welcome any comments, suggestions or criticism. If you would like to tell us something, please write to the office of Berliner Arbeitslosenzentrum evangelischer Kirchenkreise e. V. (Berlin Unemployment Centre of Protestant Church Districts) (BALZ), Kirchstr. 4, 14169 Berlin or mail us to info@berliner-arbeitslosenzentrum.de.

We would like to thank all those who have contributed to this practical guide or made it possible through subsidies!

Frank Steger
Chairman of BALZ

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- II. Sources and documents
- III. Further information

List of abbreviations

par. = paragraph
Alg II = Unemployment benefit II
Alg II-V = Unemployment benefit II/social benefits ordinance
Art. = Article
AsylbLG = Asylum Seekers' Benefit Act
AufenthG = Residence Act
AV = Implementation orders
AVV = General administrative regulation
BA = Federal Employment Agency
BAföG = Federal Training Assistance Act (student loan)
BKGG = Federal Child Benefit Act
BSG = Federal Social Court
BuT = Education and participation
BVG = Berliner Verkehrsbetriebe (underground, tram, bus)
EAO = Availability Ordinance of the Federal Employment Agency
(Bundesagentur für Arbeit)
EFA = European Agreement on Social Welfare
EKS = Income of self-employed (form)
EC = European Community
EU = European Union
ECJ = European Court of Justice
EEA = European Economic Area (EU states plus Iceland, Liechtenstein, Norway)
FreizügG/EU = Freedom of Movement Law /EU
GCR = Geneva Convention on Refugees
GmbH = Limited liability company
KfW = Kreditanstalt für Wiederaufbau
KiZ = Supplementary child allowance
LSG = Regional Social Court
Nr. (No.) = Number
PKH = Prozesskostenhilfe (Government aid for lawyers' fees)
SG = Social Court
SGB = Social Code
V or VO = Order (Regulation)

Chapter 1 | What is basic income support for jobseekers?

1. The socio-cultural minimum subsistence

The basic or minimum income support is a tax-financed state welfare system. It is intended to secure the "socio-cultural subsistence minimum" for persons in need of help who are unable to earn their living from their own means and resources.

What does this mean? The means necessary to guarantee the physical existence of a person are called the subsistence minimum. These include, above all, food, clothing, adequate housing and standard medical care. As a socio-cultural subsistence minimum, however, the minimum subsistence level also includes means to enable modest participation in social, cultural and political life.

In the basic income support, the legislator defines a need for a certain - usually lump-sum - amount for the typical needs of life and living situations. The sum of the standard need, need for housing and heating, additional need and, if applicable, further needs result in the socio-cultural subsistence minimum.

The basic income support is of secondary importance. This means that one's own income and assets as well as claims against other social benefit providers and relatives who are obliged to provide subsistence can reduce the necessary need or the benefit, or even eliminate it altogether. Beneficiaries who are able to work are required to use their labour force to end their neediness.

The state's mandate to secure the socio-cultural subsistence minimum results from the protection of human dignity pursuant to Article 1 par. 1 and the welfare state requirement pursuant to Article 20 par. 1 of the Basic Law. The right to a humane subsistence level is a human right and exists in principle for all persons living in Germany, irrespective of their nationality.

Whether the basic income support for jobseekers actually protects the dignity of people in need sufficiently is disputed. Welfare organisations such as the Diakonie or the Paritätische have long criticised the calculation method. The needs are calculated arbitrarily and inappropriately. The standard needs of the basic income support would have to be raised significantly in order to actually secure the socio-cultural subsistence minimum (for Diakonie's criticism of the standard needs 2021 see in detail: www.diakonie.de/pressemeldungen/hartz-iv-saetze-lebensnah-berechnen-diakonie-stellt-alternativ-modell-vor)

2. Three types of minimum income support

In Germany, a distinction is made between three types of statutory minimum income support, which are intended to secure the subsistence minimum.

2.1 Basic income support for jobseekers

The legal basis for basic income support for jobseekers (often also called "Hartz IV") is the Social Code (SGB) II. Important benefits for living set out in the SGB II are unemployment benefit (Alg) II and income support (Sozialgeld).

In order to claim unemployment benefit II, applicants must be in particular need of help and *capable of gainful employment*. Many persons who are not capable of gainful employment, for example children under the age of 15, receive social welfare allowance if they live together with at least one person who is capable of gainful employment and who is entitled to benefits. For more details, see Chapter 3, Section 2 Who receives unemployment benefit II, who receives income support?

If these conditions are met, foreign citizens living in Germany (hereinafter referred to as "foreigners") are generally entitled to unemployment benefit II or income support in the same way as Germans.

Good to know: You do not have to be unemployed to receive 'unemployment benefit II'. Basic income support benefits for jobseekers are also available if you are employed part-time or full-time or are self-employed - provided you do not have income or assets to invest in order to cover the basic needs of living.

2.2 Social assistance

Basic income support for jobseekers differs from social assistance according to [3. Kapitel des SGB XII](#) (Chapter 3 of Social Code XII (social assistance)) primarily in the terms of the capacity to work. If persons already receive a statutory old-age pension or are permanently fully incapacitated from engaging in gainful employment, basic income support in old age and in the case of reduced earning capacity according to [4. Kapitel des SGB XII](#) (Chapter 4 of Social Code XII (social assistance)) can also be considered in the case of need for assistance.

2.3 Asylum seeker benefits

Asylum seekers, tolerated foreigners and foreigners who are obliged to leave the country and some other foreigners receive benefits in accordance with the Asylum Seekers Benefits Act if they are in need. The benefits in the first 18 months of residence in Germany are generally lower than the benefits for subsistence/livelihood according to the SGB II and SGB XII (Social Code II and XII).

3. Unemployment benefit vs. unemployment benefit II

Unemployment benefit II differs significantly from unemployment benefit. The unemployment benefit according to [SGB III](#) (Social Code III) is not a means-tested minimum benefit, but a *wage/salary replacement benefit* from unemployment insurance.

Unemployed persons who can prove that they have been employed in Germany for at least one year in the last two and half years, are entitled to unemployment benefit. The amount of the benefit is usually based on the last salary/wage. If the unemployment benefit is not sufficient to secure minimum subsistence, it can be "topped up" by unemployment benefit II.

✓ **Our advice:** If you have previously worked as an employee in another EU, EEA or Switzerland, you may be able to use these periods of employment to claim unemployment benefit - but as a rule this is only possible if you last worked in Germany and are subject to compulsory insurance ([Art. 61 VO \(EG\) Nr. 883/2004](#)) (Art. 61 Regulation (EC) No. 883/2004). Ask your [local employment agency](#) for more information.

Chapter 2 | The application – What should you pay attention to?

1. Benefits are granted upon application

Benefits from basic income support for jobseekers are granted upon application ([§ 37 SGB II](#)) (Sect. 37 Social Code II). The application is not bound to any particular form. It can be submitted in writing, in person or by fax or e-mail to the relevant Jobcenter. Oral applications should always be confirmed in writing. This will enable you to prove later that you have made an application and when. The burden of proof that the application has been received rests with the applicant.

To ensure your application can be processed quickly, it is advisable to make an appointment in person at the responsible Jobcenter for the first application and to use the [Antragsvordrucke](#) (BA) (application_forms of the Federal Employment Agency (BA)).

✓ **Our advice:** Do not allow yourself to be rejected at the time of application if the Jobcenter staff feel that you are not entitled to unemployment benefit II. The Jobcenters are obliged to accept your application. Ask for an acknowledgement of receipt when submitting applications to the Jobcenter. In a [Rundschreiben](#) (circular) the Federal Employment Agency has recommended that Jobcenters issue acknowledgements of receipt if so requested. You can also send your application by registered mail, for example. In case of doubt, sending it by simple letter post is not sufficient. Always make a copy of any application you submit to the Jobcenter for yourself.

Your application includes all persons who live with you in a community at need - they become "beneficiaries". This includes your spouse or cohabiting partner and your unmarried children under the age of 25 regularly living in the household. Children from 25 years of age must submit their own application if they need help from the Jobcenter. You can find out everything you need to know about the community at need in Chapter 4 Section 1 - Community at need including consensual habitation (marriage-like community).

The legislator assumes that persons capable of gainful employment who apply for benefits from the basic income support for jobseekers are authorised to represent the other members of the community at needs ([§ 38 SGB II](#)) (Sect. 38 Social Code II). Authorised persons are the addressees of the approval notices and they are entitled to receive benefits on behalf of the members of the community at needs.

Legally speaking, each person in the community at need has an *individual* claim to the benefit. The first page of the approval notice shows the entitlement of all the persons in the community at need combined and the entitlement of each individual person.

Good to know: If you are at least 15 years old and do not wish to be represented by another member of the community at need, you must make a declaration to the Jobcenter. You can then make your own application, receive your own notice and apply for the benefit to be paid out to yourself. If you are still a minor, your legal guardians may restrict your ability to act ([§ 36 SGB I](#)) (Sect. 36 Social Code I). Even if you represent yourself, you remain part of the community at need.

An application for subsistence benefits shall have retroactive effect from the first day of the calendar month in which the application is filed. This means that income received at the beginning of the application month is also included in the calculation of benefits.

✓ **Our advice:** If you still expect remuneration from your last employer, make sure that the money is credited to your account before the month in which the application is submitted. Otherwise, it will be counted as income by the Jobcenter.

In good time before the end of a grant period, you must submit a new application to continue receiving Unemployment benefit II and income support. To avoid losing your entitlement to benefits, you should submit your application no later than the month following the end of the grant period. You can find out more about the duration of a grant period in this Chapter in section 6 - For how long are unemployment benefit II and income support granted.

☛ **Please note:** You must submit a separate application for certain benefits, such as the initial provision of housing, the initial provision for pregnancy and childbirth and loans in the event of an irrefutable one-off need (see Chapter 7 section 2 - One-off benefits).

2. Where is your local Jobcenter?

The Jobcenter in the Berlin district in which you have your usual residence ([§ 36 SGB II](#)) (Sect. 36 Social Code II) is responsible for granting basic income support to jobseekers. This is usually the district in which you have your residence. The residence is proven in particular by identity card or registration confirmation.

For homeless persons, the last registration under registration law in a Berlin apartment is considered as "residence". Homeless persons without a registration confirmation in Berlin or with the entry of a Berlin registration address that does not establish jurisdiction according to the implementation order are assigned to one of the twelve Berlin Jobcenters according to their month of birth ([Abschnitt III, Nummer 2 der AV Zuständigkeit Soziales](#) (Section III No. 2 of the Implementation Order, Social affairs matters)).

Persons who change to the Jobcenter after the end of their asylum procedure and are accommodated in shared accommodation provided by the State Office for Refugee Affairs (LAF) (excl.: initial reception facilities according to [§ 44 AsylG](#) – Asylum Seekers Law)) must contact the Jobcenter in the district in which their accommodation is located ([Abschnitt III, Nummer 1.1 der AV Zuständigkeit Soziales](#)) (Section III No. 1.1 of the Implementation Order, responsibility Social affairs).

☛ **Please note:** Persons with a right of asylum, subsidiary protection or a residence permit on humanitarian grounds who received their residence permit after 1 January 2016 shall be subject to a residence regulation for a period of three years from the date of recognition or issue of the residence permit. They will only receive benefits from the Jobcenter in the federal state where they were assigned to complete the asylum procedure. This can also be a particular Jobcenter if the residence requirement relates to a specific place of residence. Likewise, the responsibility of Jobcenters in a certain area may be excluded if persons entitled to benefits have received a requirement not to take up residence in that place ([§ 36 Abs. 2 SGB II](#) (Sect. 36 par. 2 Social Code II) in conjunction with [§ 12a Abs. 1 bis 4 AufenthG](#)) (Sect. 12a par. 1 to 4 Residence Act)). Which regulation exists can usually be found in the recognition and residence documents. There are exceptions to the allocation of residence if applicants take up vocational training or work for at least three months.

3. You can be accompanied by an "advisor"

As an applicant, you have the right to be accompanied to the Jobcenter by a person you trust, a so-called advisor. This can also be for translating. What the advisor says is deemed to be what you have said yourself if you do not object to it immediately ([§ 13 Abs. 4 bis 7 SGB X](#) (Sect. 13 par. 4 to 7 Social Code X)).

4. Translation and interpreting services

In principle, applications must be written in German. Persons with insufficient knowledge of the German language should therefore take a relative or acquaintance with reasonable skills to joint them to the Jobcenter as an advisor. Potential support can also be provided by a foreign language speaking employee of the Jobcenter or an interpreter from a social association.

If these options are not available, the Jobcenters are obliged to provide the necessary interpreting and translation services for nationals of EU, EEA countries and stateless persons and recognised refugees residing in the EU in a so-called cross-border situation (i. e. that these persons relocate their lawful place of residence from one EU country to another) and to bear the costs of these services. This also applies to their family members and descendants. The basis for this is [VO \(EG\) 883/2004](#) (Regulation (EC) 883/2004), which grants the above-mentioned persons non-discriminatory access to the Social Code II services ([Weisung 201611028 der BA](#) (Directive 201611028 of BA)).

In the case of other foreigners, the Jobcenter can demand reimbursement of costs for the translation of applications and necessary documents - but does not have to do so (§ 19 Abs. 2 SGB X (Sect. 19 par. 2 Social Code X)). If documents are necessary for a potential employment, translation costs can be paid from the placement budget. You can find out more about the placement budget in Chapter 8, section 3 - What services does the Jobcenter provide to take up employment?

5. Hearing and speech impaired persons

Hearing and speech impaired persons have the right to communicate in German sign language, sign language accompanying spoken language or via other suitable communication aids ([§ 19 Abs. 1 Satz 2 SGB X](#) (Sect. 19 par. 1 sentence 2 Social Code X)).

6. For how long will unemployment benefit II and social assistance be granted?

Unemployment benefit II and income support are granted for twelve months. In deviation from this, the approval period is six months, for example for employees with fluctuating incomes and self-employed persons. They will then first receive a provisional decision ([§ 41 Abs. 3 SGB II](#)) (Sect. 41 par. 3 Social Code II). If the grant period ends, you must submit an application for further approval ([Weiterbewilligungsantrag](#)) in order to continue receiving benefits. This is possible [online](#) as well.

7. How will the benefits be paid?

Benefits to cover your living expenses are transferred to the account you have specified in advance at the beginning of the month. If you are not the account holder, the Jobcenter can check whether you actually receive the benefits paid out ([§ 17 Abs. 1 Nr. 1 SGB I](#)) (Sect. 17 par. 1 no. 1 Social Code I)).

If you do not have an account, you will receive your cash benefit in the form of a postal cheque. Delivery of the benefits by cheque is subject to a charge. Exception: You can prove that you were unable to open a debit account [§ 47 Abs. 1 SGB I](#)), (Sect. 47 par. 1 Social Code I) as of 01 December 2021: Sect. 47 par. 1 Social Code I). In this case, you must present, for example, a corresponding certificate from the bank.

8. Can you get an advance on unemployment benefit II and social assistance?

If you are destitute, you are entitled to a provisional and thus prompt decision ([§ 41a Abs. 1 SGB II](#)) (Sect. 41a par. 1 Social Code II)) if the claim to the benefit applied for is probable. *In individual cases* you may also receive cash money immediately if necessary. You must prove your lack of means by presenting your current account statements and, if necessary, other suitable documents.

Advances of up to 100 euro *can* be granted on benefits already granted. They are deducted from the entitlement to benefits in the next month ([§ 42 Abs. 2 SGB II](#)) (Sect. 42 par. 2 Social Code II)).

Instead of paying out cash, the Jobcenters often use a different procedure. You receive a voucher which you can redeem at the cash desk of a participating supermarket (for example Rewe, Real, Penny, dm and Rossmann). Or you receive a cheque which you can deposit at a post office. Redeeming the cheque is free of charge for you. The voucher does not contain any personal information about you or any data or logo of the Jobcenter, nor does it oblige you to buy goods.

Chapter 3 | Who gets benefits from basic income support for job seekers?

1. General preconditions

Whether or not you receive basic income support for jobseekers depends on four conditions: Age, earning capacity, need for help and habitual residence in Germany. Persons who do not meet the earning capacity requirements, such as children under 15, can also be entitled to benefits (see in this Chapter in section 2 - Who receives unemployment benefits II, who social assistance?). You can find out which groups of persons are excluded from benefits in sections 3 and 4.1 and 5 of this Chapter.

1.1 Age limits

Benefits are paid to persons from their 15th birthday until the end of the calendar month in which they reach the age limit for the statutory standard old-age pension ([§ 7 Abs. 1 Satz 1 Nr. 1 SGB II](#) (Sect. 7 par. 1 sentence 1 no. 1 Social Code II)). The age limit of 65 years increases - as in pension law - gradually from the 1947 birth year by one month per calendar year and from the 1959 birth year by two months per calendar year up to 67 years (born 1964) ([§ 7a SGB II](#)) (Sect. 7a Social Code II).

Example: Mr. S., who is in need of help, was born on 10 July 1956. He reaches his age limit of 65 years and 10 months on 10 May 2022. Consequently, he is entitled to basic income support benefits for jobseekers until 31 May 2022.

🚫 **Please note:** The Jobcenter *may* require you to apply for an old-age pension before you reach the statutory retirement age if you meet the requirements. Retirement pensions with or without deductions are eligible. The Jobcenter may only refer you to an old-age pension with deductions from your 63rd birthday ([§ 12a SGB II](#) (Sect. 12a Social Code II)).

✓ **Our advice:** Early retirement against your will may be "inequitable" or inappropriate. This is the case, for example, if you receive unemployment benefit in addition to unemployment benefit II or if you work more than 20 hours a week or become in need of help with the reduced old-age pension in the meaning of the basic income support in old age and in case of reduced earning ([UnbilligkeitsV](#); knowledge database of Social Code II, sect. 12a Primary benefits, ([Beitrag: Unbilligkeitsverordnung](#)) (Regulation on avoiding hardship through receiving early pension). If early retirement is "inequitable", you should object to the Jobcenter's request to submit a pension claim.

1.2 Earning capacity

A person is considered fit for work if he/she is currently or in the next six months able to work at least three hours a day under the usual conditions of the general labour market ([§ 8 Abs. 1 SGB II](#) (Sect. 8 par. 1 Social Code II)). People who do not have to be ready to work, for example because they are temporarily raising a child under the age of three in their household or attending a general school, are also considered fit for work.

In the case of foreigners, their earning capacity also depends on whether they have a right of access to the labour market, i.e. whether they are allowed to work ([§ 8 Abs. 2 SGB II](#) (Sect. 8 par. 2 Social Code II)).

- **For citizens of the EU (Union citizens)** and their family members, the permit to take up employment results directly from their right to freedom of movement. This right also applies to nationals of EEA countries such as Iceland, Liechtenstein, Norway and citizens of Switzerland.
- **Third-country nationals (non-EU/EEA citizens)** with a residence permit will in principle have a work permit. Persons whose work permit is restricted to certain jobs or who can only take up employment with the permission of the Foreigners' Registration Office are also legally capable of gainful employment. The residence permit should contain a reference to access to the labour market. The Foreigners' Registration Office add a sentence to this effect in the residence papers.

1.3 Need of assistance

Those in need of assistance are those who cannot earn their living for themselves and the members of their community at need from their own income or assets and who do not receive assistance from others ([§ 9 Abs. 1 SGB II](#)) (Sect. 9 par. 1 Social Code II).

If you live in a community at need or in a household with relatives or in-laws, you may have to have the income and assets of your cohabitants taken into account (see Chapter 4 - What is the difference between a community at need, a household-sharing community and a residential community).

The Jobcenter may require you to apply for priority social benefits in order to avoid, reduce or shorten your need for assistance ([§ 12a SGB II](#)) (Sect. 12a Social Code II). You can find out more about applying for priority benefits in the Chapter 13 - What are your obligations to cooperate?

1.4 Habitual residence in Germany

Only those who have their habitual residence in Germany receive benefits ([§ 7 Abs. 1 Satz 1 Nr. 4 SGB II](#)) (Sect. 7 par. 1 sentence 1 no. 4 Social Code II)).

The "habitual residence" is usually established by an actually used dwelling (residence). Even persons without an apartment can have a habitual residence if it is clear from the circumstances that they are not only staying temporarily in Germany ([§ 30 Abs. 3 SGB I](#)) (Sect. 30 par. 3 Social Code I). Important: Beneficiaries must also be available for the Jobcenter (see this Chapter in section 3 - Who does not receive benefits?).

For foreigners, the prerequisite is that a long-term stay in Germany is desired and possible, at least in perspective. Excluded from the "habitual residence" are therefore, for example, foreigners who are only staying in Germany as tourists or who have a Schengen visa for a short-term stay ([§ 6 Abs. 1 AufenthG](#)) (Sect. 6 par. 1 Residence Act). A "habitual residence" does not exist if foreigners are obliged to leave the country and there are neither factual nor legal obstacles to deportation.

2. Who receives unemployment benefit II, who social assistance?

Persons who meet all four requirements (see in this Chapter in section 1 - General preconditions), get unemployment benefit II (Alg II).

Persons in need of assistance who are *not capable of working* may receive a social allowance from the Jobcenter, provided that they live in a community of need with a person who is capable of working. This applies in particular to

- all children under 15 years of age in the household of their parents who are capable of working,
- recipients of pensions for full reduction in earning capacity *for a limited period* who live with their employable partners, and
- Parents who receive a pension for full reduction in earning capacity *for a limited period* and live with their employable children aged 15 to 24.

If persons are *permanently* incapacitated and at least 18 years of age, they are primarily entitled to benefits of basic security in old age and in case of reduced earning capacity according to [4. Kapitel des SGB XII](#) (4th chapter of Social Code XII (social assistance)) ([§ 5 Abs. 2 Satz 2 SGB II](#)) (Sect. 5 para. 2 sentence 2 Social Code II). If benefits under chapter 4 of the Social Code XII are not granted because of income or assets that have to be taken into account, they may be entitled to social allowance on a subordinate basis - provided that a person capable of working lives in their community of need and there is an unmet need under Social Code II ([BSG vom 28.11.2018 – B 4 AS 46/17 R](#)).

3. Who does not receive Social Code II benefits?

Excluded from the benefits of basic income support for jobseekers are in particular

- **Persons who receive an old-age pension as a full pension *before* reaching the normal retirement age.** They are entitled to benefits up to the day before the first pension payment at the latest. ([§ 7 Abs. 4 SGB II](#)) (Sect. 7 par. 4 Social Code II)).

***Example:** Ms. F. enters into early retirement at the age of 63 as a person who has been insured for many years. She is entitled to an early retirement pension from July. The first pension will be paid on 29 July. From 29 July she is no longer entitled to unemployment benefit II.*

Foreign old-age pensions also lead to an exclusion if they are comparable with German old-age pensions.

Good to know: The first payment amount of the early retirement pension is set off against the unemployment benefit II. There is a reduced unemployment benefit II payment at the beginning of the month. In order to close the pension gap by the end of the month, you can apply for a bridging loan ([§ 24 Abs. 4 SGB II](#)) (Sect. 24 par. 4 Social Code II)) for the month of the first pension payment at the Jobcenter.

- **Persons who are accommodated in inpatient facilities such as hospitals, rehabilitation clinics or nursing homes for the elderly from the first day of their stay** ([§ 7 Abs. 4 SGB II](#)) (Sect. 7 par. 4 Social Code II)). Deviating from this, these persons will continue to receive benefits if they
 - are expected to spend less than six months in a hospital ([§ 107 SGB V](#)) (Sect. 107 Social Code V) or a medical rehabilitation facility, or
 - work on the general labour market for at least 15 hours a week.
- **Persons in an institution for the execution of judicially ordered deprivation of liberty** (e.g. imprisonment, pre-trial detention) from the first day of deprivation of liberty ([§ 7 Abs. 4 Satz 2 SGB II](#)) (Sect. 7 par. 4 sentence 2 Social Code II). This also includes so-called day-release prisoners ([§ 7 Abs. 4 Satz 2 SGB II](#)) (Sect. 7 par. 4 sentence 2 Social Code II)).
- **Persons who are outside the immediate vicinity of the Jobcenter without the Jobcenter's consent or who cannot be reached by the Jobcenter for other reasons.**

The legal basis for the obligation to be reachable at short notice and close to the place of work is § 7 (4a) SGB II in the version applicable until the end of March 2011 ([BGBl. vom 25. Juli 2006, S. 1707](#)) (Federal Law Gazette of 25 July 2006, p. 1707). The provision refers to the reachability order ([Erreichbarkeitsanordnung \(EAO\)](#)) applicable to the unemployed in the area of unemployment insurance (Social Code III).

The purpose of the reachability order is to ensure that priority is given to placement in work. Those who receive benefits from basic income support should be able to follow up job offers and invitations to the Jobcenters promptly. You must therefore be *personally* available to the Jobcenter by letter post at the address you provide on each working day and be able to visit the Jobcenter daily ([§ 1 Abs. 1 EAO](#)) (Sect. 1 par. 1 Reachability Order). To be reachable by phone only is not sufficient.

If you want to travel, you need the prior consent of the Jobcenter (see Chapter 14 - Can beneficiaries take leave?).

Exceptions: According to the wording, Section 7 (4a) SGB II (old version) applies to all persons entitled to benefits under Social Code II. According to the current instructions of the Federal Employment Agency (BA), however, a literal interpretation would contradict the meaning and purpose of the regulation. The BA therefore generally waives the requirement of prior consent in the case of absence from the place of work

- for children aged under 15,
- for persons receiving unemployment benefit II, who work at least 15 hours a week or participate in integration into labour market measures.

According to the BA's instructions, further exceptions are possible *on a case-by-case basis* for persons who are unable to take up or pursue work, for example single parents who cannot be reasonably expected to take up work temporarily because they are bringing up a child under the age of three, and generally for persons who receive social benefits.

In parts of the case law, the view is taken that there must be severe reasons to restrict the fundamental freedom of action (Article 2 (1) of the Basic Law). The exclusion from benefits according to § 7 (4a) SGB II (old version) can therefore generally [italics added] not cover persons for whom gainful employment is not possible (in particular recipients of social benefits, see Regional Social Court of Lower Saxony-Bremen of 14 November 2017 - [L 7 AS 934/17 B ER](#)) or for whom gainful employment is temporarily unreasonable (for example, single parents with a small child on parental leave, see Regional Social Court of Berlin-Brandenburg of 15 August 2013 - [L 34 AS 1030/11](#)).

In addition, your availability is guaranteed if you demonstrably attend a job interview, consultation or other appointment on the occasion of the job search and are therefore unable to respond promptly to job offers from the Jobcenter ([§ 1 Abs. 3 EAO](#) – Sect. 1 (3) Reachability Order).

✓ **Our advice:** Do not take the duty of availability lightly. If the Jobcenter learns of an unauthorized absence, you may be requested to repay the benefits for this period.

Good to know: Persons without a home have the option of providing a postal address from acquaintances or friends with whom they live temporarily, or the address of an institution for homeless persons. The Jobcenter will require the institution to provide written confirmation that you are a guest there and can be contacted by letter post on working days. Find out which [independent institution for homeless people](#) in Berlin can provide you with a postal address.

4. Special requirements for foreigners

Foreigners who meet the general eligibility requirements are in principle entitled to receive basic income support for jobseekers.

4.1 Exclusions from benefits

Non-eligibility applies, pursuant to [§ 7 Abs. 1 Satz 2 SGB II](#) (Sect.7 par. 1 sentence 2 SGB II), to

- a) foreigners and members of their families during the first three months after entry. The exclusion does, for instance, not apply to employed Union citizens and foreigners with a right of residence for international, humanitarian or political reasons ([Kapitel 2 Abschnitt 5 AufenthG](#) (Chapter 2 section 5 Residence Act)) including their family members as well as family members of German nationals.
- b) foreigners who receive benefits in accordance with the Asylum Seekers Benefits Act. These are above all asylum seekers who have not yet been recognised, tolerated persons and persons subject to an enforceable obligation to leave the country ([§ 1 AsylbLG](#) (Sect. 1 Asylum Seekers Benefits Act)).

In addition, non-eligibility applies to foreigners and their family members

- c) who do not have a right of residence, or
- d) foreigners whose right of residence is derived *solely* from the purpose of job search. The right to seek employment applies to Union citizens regularly for six months after entry and beyond if they continue to seek employment and there are reasonable prospects of employment.

The persons referred to in c) and d) are, according to the legislator's intention, entitled to benefits only after a five-year *habitual* residency in Germany - but only if the Foreigners' Registration Office has not established that they have lost the right to freedom of movement in the meantime. Short-term interruptions of the habitual residence, such as short visits to the home country, are harmless. The five-year period begins with the residence registration. It is disputed whether a continuous residence registration for five years is required if a habitual residence can otherwise be made credible (in this sense, for example Regional Social Court of Berlin-Brandenburg of 21.10.2021 - [L 19 AS 929/21 B ER](#)).

Before five years have elapsed, a claim to benefits can only be asserted if there is another or further right of residence or freedom of movement than "for the purpose of seeking employment". Because of the different legal status, a distinction must be made between Union citizens and third-country nationals.

- **Union citizens** and their family members have the right of entry and residence under the provisions of the Directive 2004/38/EC of the European Community ("Union Citizens Directive"), which is implemented in Germany by the [Freizügigkeitsgesetz/EU](#) (Freedom of Movement Act). The right to entry and residence equally applies to citizens of non-EU EEA countries such as Iceland, Liechtenstein and Norway ([§ 12 FreizügG/EU](#)) (Sect.12 (Freedom of Movement Act)) as well as to citizens of Switzerland.

The following freedom of movement rights exist by operation of law. They do not have to be applied for or approved. EU citizens as well as citizens of the aforementioned EEA countries and Switzerland can claim SGB II benefits if, *for example*, they have one of the following freedom of movement rights:

- A freedom of movement right as an employee or self-employed person in Germany [§ 2 Abs. 2 Nr. 1 und 2 FreizügG/EU](#) (Sect. 2 par. 2 (1) and (2) Freedom of Movement Act).

The gainful employment must be an activity that is actually carried out. In the case of self-employed persons, a mere business registration without proof of activity is therefore not sufficient.

Activities that are so small in scope that they are completely subordinate and insignificant shall be disregarded. What is considered "subordinate" and "insignificant" is legally controversial. The European Court of Justice (EuGH) has already allowed an occupation of 5.5 hours per week and a monthly income of 175 euro to suffice for employee status. It depends however always on all circumstances of the contractual relationship, for example, the amount of remuneration, the duration of working hours and employment and whether remuneration continues to be paid during vacation or illness ([AVV zum FreizügG/EU, Nr. 2.2.1](#)) (Implementation ordinance of Freedom of Movement Act, No. 2.2.1).

As a rule, the Federal Employment Agency affirms the employee status if the employment is performed for at least eight hours per week (SGB II knowledge database, [Beitrag: Leistungsausschluss von Ausländern](#)) (article: Exclusion of foreigners from benefits).

- A freedom of movement right as a trainee in an in-company training scheme ([§ 2 Abs. 2 Nr. 1 FreizügG/EU](#)) (Sect. 2, par. 2 (1) Freedom of Movement Act).
- A generally unlimited freedom of movement right after more than one year of employment or self-employment in Germany, if the work has been lost involuntarily and this is confirmed by the Employment Agency ([§ 2 Abs. 2 Nr. 1 FreizügG/EU](#)) (Sect. 2, par. 3 Freedom of Movement Act).

In its directives, the Federal Employment Agency (BA) assumes that a period of employment of exactly one year is also sufficient.

The regulation does not require uninterrupted employment or self-employment. A short interruption of gainful employment, for example due to unemployment of 15 days in the course of employment lasting more than one year in total, is not detrimental ([BSG vom 13. Juli 2017 - B 4 AS 17/16 R](#)) (BSG dated 13 July 2017 – B 4 AS 17/16 R)).

After an involuntary loss of gainful employment of less than one year, confirmed by the Employment Agency there is a right of residence and entitlement to unemployment benefit II/income support for a maximum of six months after the end of the gainful employment.

Union citizens who are temporarily unable to work due to illness, accident or pregnancy are also entitled to free movement.

In all these cases, Union citizens retain their employment status, either permanently or temporarily.

- a right of permanent residence after five years of *legal* residence in Germany, in which a reason for freedom of movement has been consistently established according to the freedom of movement rules.

The right of permanent residence is retained even if Union citizens lose their status as gainfully employed persons. Family members from third countries have a right of permanent residence if they have been residing lawfully in Germany with the Union citizen for five years ([§ 4a FreizügG/EU](#)) (Sect. 4a, Freedom of Movement Act).

- a right to freedom of movement as a family member of a Union citizen entitled to freedom of movement if he or she accompanies the Union citizen on entry, joins him or her or stays with him or her in Germany

Family members according to [§ 3 FreizügG/EU](#) (Sect. 3 Freedom of Movement Act) include in particular

- the spouse/registered partner and the children/grandchildren of the Union citizen or his/her spouse/registered partner, if the children/grandchildren are under 21 years of age, and
- Relatives in the direct ascending and descending line of the Union citizen entitled to freedom of movement or his/her spouse/registered partner, for example grandparents or children from the age of 21, if the Union citizen entitled to freedom of movement or his/her spouse/registered partner provides them with maintenance.

Family members within the meaning of the Freedom of Movement Act do not include, for example, siblings, uncles and aunts, in-laws and persons in a marriage-like relationship.

The right to free movement exists regardless of whether the family member is a citizen of the EU or a third country.

- A *fictitious* right of residence under the Residence Act ([§ 11 par. 1 sentence 11 FreizügG/EU](#)) (Sect. 11, par. 1 Freedom of Movement Act)

This means that the residence rights of the Residence Act are also applicable to Union citizens if it results in better protection for Union citizens. Even if a residence permit is *actually* not granted, the Jobcenter must examine a *possible* claim; this is how the Federal Social Court has ruled ([BSG, Urteil vom 30. Januar 2013, B 4 AS 54/12 R](#) (Ruling of January 30, 2013, B 4 AS 54/12 R), margin number 27ff.).

Example: *An unmarried, non-employed EU citizen has a right of residence as the parent of a minor German child under Section 28 (1) sentence 1 no. 3 Residence Act.*

Further residence rights for EU citizens and their children are derived from [Art. 10 der VO \(EU\) 492/2011](#) (Art. 10 of the Regulation (EU) 492/2011). According to this, children of Union citizens employed or formerly employed in Germany have the right to participate in general education and vocational training under the same conditions as German children. The parents (or one or both parents) have a derived right of residence during their children's school attendance and training, as long as they actually exercise parental care. This applies as long as the child is a minor and also thereafter if the child continues to require the presence and care of one or both parents in order to continue and complete the education.

These parents' right of residence continues if they lose their employee status, for example, because they have been unemployed for more than six months after "involuntarily" losing employment of less than one year.

Good to know: Since the decision of the ECJ of 6 October 2020 ([Rechtssache C181/19](#) (Case No. C181/19)), a general exclusion of benefits for EU citizens who derive their right of residence solely from Article 10 of Regulation (EU) 492/2011 is no longer possible. The legislature has repealed a corresponding statutory provision as of 1 January 2021.

Austrian citizens may invoke the [Deutsch-Österreichische-Fürsorgeabkommen vom 17. Januar 1966](#) (German-Austrian Welfare Agreement of 17 January 1966 - "Equality with Germans in Relation to Welfare Services"), provided that they did not enter the country to receive basic income support benefits. Several courts have awarded SGB II benefits to Austrian plaintiffs without a right of residence or with a right of residence to seek employment on the basis of the agreement (for example, LSG Berlin-Brandenburg of 11 May 2020 – case no. [L 18 AS 1812/19](#) and 8 June 2020 - [L 18 AS 1641/19](#)).

British citizens and their family members who have resided in Germany under the rules of the Union until 31 December 2020 at the latest and continue to reside here have a right of residence under the [Austrittsabkommen zwischen Großbritannien und der EU](#) (Withdrawal Agreement between the UK and the EU). The rights of residence set out in the Withdrawal Agreement essentially correspond to the Union's rights of free movement. Above British nationals (so called "old Britons") and their family members can claim SGB II benefits - like EU citizens - if they have a right of residence not only for the purpose of seeking employment.

The residence rights under the Withdrawal Agreement are effective by law. In order to prove that the rights apply to them, "old Britons" require a special residence document from the Foreigners' Registration Office ([§ 16 \(1\) FreizügG/EU](#)) (Sect. 16, par. 1 Freedom of Movement Act).

Under certain conditions, family members and so-called closely related parties can join "old Britons" already living in Germany after 31 December 2020 in accordance with the Freedom of Movement Act. For all other Britons who immigrate to Germany for the first time after 1 January 2021 ("new Britons"), the right of entry and residence is governed by the residence regulations for third-country nationals.

- **Third-country nationals** (non-EU/non-EEA citizens) are subject to the Residence Act. Foreigners with a settlement permit have access to SGB II benefits. For foreigners with a (temporary) residence permit, this depends on the purpose for which the residence permit was issued. The reason for the residence is stated in the residence document as a section of the Residence Act.

Excluded from SGB II benefits are third-country nationals whose residence permit has been issued for the sole purpose of seeking employment (see above). [§ 20 Abs. 1 bis 3 AufenthG](#) (Sect. 20 par. 1 to 3 Residence Act) summarises the basic residence titles that are issued for the purpose of job search.

The following, for example, have access to SGB II benefits

- Foreigners with a right of residence for international law, humanitarian or political reasons ([Kapitel 2 Abschnitt 5 AufenthG](#)) (Chapter 2 par. 5 Residence Act)) such as persons entitled to asylum, refugees under the Geneva Refugee Convention (GRC) and persons entitled to subsidiary protection from the month following their recognition ([§ 25 Abs. 1 und 2 AufenthG](#)) (§25 par. 1 and 2 Residence Act)), persons entitled to stay pursuant to [§ 23 Abs. 1 AufenthG](#) (§23 par. 1 Residence Act)) or victims of a criminal offence ([§ 25 Abs. 4a und 4b AufenthG](#)) (§25 par. 4a and 4b Residence Act)). However, foreigners who are entitled to benefits under the Asylum Seekers Benefits Act are excluded.
- Foreigners with a right of residence for family reasons ([Kapitel 2 Abs. 6 AufenthG](#)) (Chapter 2 par. 6 Residence Act)), such as spouses, registered civil partners or minor children of Germans or parents of a German child ([§ 28 AufenthG](#)) (Sect. 28 Residence Act) as well as family members of asylum seekers, GRC refugees or beneficiaries of subsidiary protection who come to Germany with a visa for family reunification ([§ 30 AufenthG](#)) (Sect. 30 Residence Act). The children born in Germany of the refugees mentioned above are also entitled to SGB II ([§ 33 AufenthG](#); SGB II knowledge database, [Eintrag „Asylberechtigte/ Flüchtlinge – in Deutschland geborene Kinder“](#) (entry “persons entitled to asylum/ refugees – children born in Germany)).
- Turkish workers and their family members who have a right of residence under [Beschluss Nr. 1/80 des Assoziationsrats EWG/Türkei](#) (Decision No 1/80 of the EEC-Turkey Association Council). The right of residence must be proven by means of a residence permit in accordance with [Sect. 4 par. 5 AufenthG \(Residence Act\)](#).

✓ **Our advice:** If your application is rejected on the basis of an exclusion from benefits for foreigners, you can have a [Beratungsstelle für Migrantinnen und Migranten](#) (counselling centre for migrants) or a [Fachanwalt für Sozialrecht](#) (specialist lawyer for social law) check whether legal remedies can be promising in your case. The social courts are split as to whether the exclusion of benefits for EU citizens who are not obliged to leave the country is consistent with the German constitution. A decision by the Federal Constitutional Court is still pending.

Good to know: Foreigners who are excluded from unemployment benefit II and income support and to whom the European Convention on Social Assistance applies may be entitled to social assistance under [3. Kapitel des SGB XII](#) (Chapter 3 Social Code XII). Otherwise, according to the legislator's intention, there is only a right to bridging benefits (see Chapter 16 - What benefits do foreigners receive who are excluded from unemployment benefit II?).

4.2 Is the use of SGB II and SGB XII benefits detrimental to the right of residence?

Jobcenters and social welfare offices are obliged to inform the Foreigners' Registration Office (in Berlin: the State Office for Immigration) if foreigners are

- without a right of residence,
- with a right of residence solely for the purpose of seeking employment or
- after five years of *habitual* (no necessarily lawful) residence apply for or receive Unemployment benefit II or income support according to SGB II or social assistance according to SGB XII for themselves and their family members. The obligation to register also exists if bridging benefits are claimed in accordance with SGB XII ([§ 87 Abs. 2 Satz 1 Nr. 2a AufenthG](#)) (Sect. 87 par.2 (1) No. 2a Residence Act).

The aforementioned offices will also inform the Foreigners' Registration Office if a third-country national with a residence permit for the purpose of education ([Kapitel 2 Abschnitt 3 AufenthG](#)) (Chapter 2 par. 3 Residence Act)) or for the purpose of employment ([Kapitel 2 Abschnitt 4 AufenthG](#)) (Chapter 2 section 4 Residence Act) applies for SGB II or SGB XII benefits for himself/herself or his/her family members ([§ 87 Abs. 2 Satz 3 AufenthG](#)) (Sect. 87 par.2 (3) Residence Act).

The authorities' reporting obligations primarily concern third-country nationals. In the case of EU citizens, the notification to the Foreigners' Registration Office may only be made if the application for benefits or the receipt of benefits are "relevant to the decision" for the continuation of a right to freedom of movement (([§ 11 Abs. 7 FreizügG/EU](#)) (Sect. 11 par.11 Freedom of Movement Act). This does not apply to EU citizens with a right to freedom of movement for the purpose of seeking work, as their right of residence exists independently of securing a livelihood. There is also no obligation to register for EU citizens after five years of habitual residence if they simultaneously have a permanent right of residence or right to seek employment. Only if EU citizens who are not gainfully employed do not have a (material) right of residence, is the right of residence dependent on a secure livelihood ([§ 4 FreizügG/EU](#)) (Sect. 4 Freedom of Movement Act/EU), and a report may be made to the Foreigners' Registration Office.

- In the case of Union citizens, the Foreigners' Registration Office *may* use the application for or receipt of the aforementioned social benefits as an opportunity to check the entitlement to free movement. The authority *can* then formally determine the loss of the right to freedom of movement if there is no longer a reason for freedom of movement under Union law [§ 5 Abs. 4 FreizügG/EU](#) (Sect. 5 par. 4 Freedom of Movement Act). This applies, for example, to persons whose residence was previously based solely on the right to a six-month job search, after which there is no longer any prospect of a successful job search, or who are actually not looking for work [§ 2 Abs. 2 Nr. 2a FreizügG/EU](#) (Sect. 2 par. 2 No. 2a Freedom of Movement Act). An examination of the individual case is always necessary.

✓ **Our advice:** In order to prove your chances of success in finding a job to the Foreigners' Registration Office, you should document your efforts to find work. Keep copies of your letters of application and evidence of interviews, qualifications, internships and more.

A determination of entitlement loss and deportation solely on the basis of receiving unemployment benefit II is not possible, for example, for employees, self-employed persons, jobseekers (at least for six months) and persons with a right of residence under [Art. 10 VO \(EU\) 492/2011](#). (Art. 10 Regulation (EC) 492/2011). It is therefore excluded after a five-year *legal* residency (right of permanent residence).

- **In the case of third-country nationals**, the issue or renewal of a residence permit, the issue of a settlement permit or family reunification generally requires that the means of subsistence, including health insurance, be secured without recourse to public funds. "Public funds" include the benefits according to Social Code II and Social Code XII ([§ 2 Abs. 3 AufenthG](#)) (Sect. 2 par. 3 Residence Act). Already the claim to one of these benefits, without this being actually asserted, *can* exclude the granting or extension of a residence title by the Foreigners' Registration Office ([§ 5 Abs. 1 AufenthG](#)) (Sect. 5 par. 1 Residence Act).

In the case of stays for the purpose of education or employment, the premature termination of education or employment and the claiming of basic security benefits *can* lead to a subsequent shortening ([Sect. 7 par. 2 sentence 2 AufenthG](#) /Residence Act or a revocation ([Sect. 52 par. 2a - 4 AufenthG/ Residence Act](#)) of the residence permit.

Claiming unemployment benefit II and income support does not automatically mean that third-country nationals will suffer negative consequences for their right of residence. The Foreigners' Registration Office must always take a decision on a case-by-case basis.

The receipt of these benefits is not detrimental to foreigners with a settlement permit. The Residence Act also provides for numerous exceptions to the requirement of "secure livelihood" when granting and extending a residence permit. This applies for example

- for foreigners who are married to Germans, or for minor foreign children of Germans, or for foreign parents who take care of their minor German child ([§ 28 Abs. 1 AufenthG](#)), as well as
- for foreigners who possess or can claim a residence title as refugees pursuant to [§§ 24, 25 Abs. 1 und 2 AufenthG](#) or on the basis of a deportation prohibition pursuant to [§ 25 Abs. 3 AufenthG](#) or as victims of criminal offences pursuant to [§ 25 Abs. 4a und 4b AufenthG](#); ([§ 5 Abs. 3 AufenthG](#)).

The same applies to family reunification, for example, for recognised refugees who apply for family reunification within three months of their incontestable recognition [§ 29 Abs. 2 AufenthG](#)), or for beneficiaries of subsidiary protection within the framework of the issue of 1,000 national visas per month ([§ 36a AufenthG](#)).

For persons from states that have signed the **European Convention on Social and Medical Assistance (ECSMA)**, "repatriation" is excluded in particular if they entered the country before their 55th birthday and have been living in Germany for at least five years or if they entered the country after their 55th birthday and have lived in Germany for at least ten years ([Art. 7 ECSMA](#)). The signatory states to the ECSMA include the "old" EU states, Estonia and Turkey (more on the ECSMA in Chapter 16 - What benefits do foreigners receive who are excluded from unemployment benefit II?).

✓ **Our advice:** Since not all residence regulations can be outlined here, we recommend that you contact an [Erstberatungsstelle für Migrantinnen und Migranten](#) (initial counselling centre for migrants) of the Berlin welfare associations, a [Flüchtlingsberatungsstelle](#) (refugee counselling centre) in Berlin or the [Beratungsstelle beim Berliner Integrationsbeauftragten](#) (counselling centre of the Berlin integration commissioner) if you have any further questions.

5. Special requirements for trainees

Many trainees are entitled to unemployment benefit II or income support, provided that they also meet the requirements for basic income support for job seekers (see previous sections of this chapter).

Whether trainees are entitled to regular subsistence benefits or whether they are excluded from these benefits depends, among other things, on the type of training and the trainees' living conditions ([§ 7 Abs. 5 und Abs. 6 SGB II](#)) (Sect. 7 par. 5 and 6 Social Code II).

Trainees who complete **vocational training in the dual system (company and school)** are generally entitled to unemployment benefit II and income support. The only exceptions are trainees who are in a training program eligible for support under Social Code III

- vocational training (in the dual system),
- prevocational education schemes or
- measure with special benefits for participation of disabled people in working life

who are accommodated in a dormitory, boarding school or other socio-educationally supervised facility with full board.

Schoolchildren and students are in principle excluded from claiming unemployment benefit II or income support if they are taking part in (school) training that is eligible for support under the Federal Training Assistance Act (BAföG) (student loan). Conversely, schoolchildren and students whose training is not eligible for BAföG support from the outset can receive unemployment benefit II or income support. Therefore, for instance, students in part-time or doctoral programs or during a vacation semester, in which studies are not actually pursued, are not covered by the exclusion from benefits.

The Social Code II also provides for numerous exceptions to the exclusion of benefits for schoolchildren and students who are undergoing BAföG-eligible training.

Schoolchildren are entitled to unemployment benefit II or income support

- at secondary general schools (Hauptschulen (lower secondary schools), Realschulen (intermediate secondary schools), Gesamtschulen (comprehensive schools), Gymnasien (upper secondary schools) and vocational schools from grade 10 onwards, as well as
 - in technical and specialized secondary school classes whose attendance does not require completed vocational training,
- if they live with their parents and do not receive BAföG (student loan) for this reason.

Schoolchildren and students are also eligible for benefits

- at evening schools (Hauptschulen (lower secondary schools), Realschulen (intermediate secondary schools), Gymnasien (upper secondary schools)), if they do not receive a student loan (BAföG) due to their age (usually 30 years and older).

Provided that they are either actually receiving BAföG, *or* not received only *because of the consideration of income and assets*, the following trainees can claim unemployment benefit II or income support:

- all schoolchildren,
- students who live with their parents, and
- students at evening high schools or colleges or in technical college classes whose attendance requires completed vocational training, even if they do not

live with their parents.

If BAföG has been applied for, but a decision on the application has not yet been made at the start of training, these trainees already receive unemployment benefit II or income support until the decision on the BAföG application. After that, they are only entitled to the regular benefits for subsistence if one of the other two requirements is met.

Students at higher technical schools, academies and universities who do not live with their parents are always excluded from unemployment benefit II or income support. The same applies to pupils and students whose course of education is eligible for BAföG but who do not receive BAföG for "personal reasons", such as their age, nationality or exceeding the maximum period of eligibility. However, for certain trainees who do not receive BAföG due to their age, there is a hardship grant (more on this below).

Benefits for trainees

Trainees who are not entitled to unemployment benefit II and income support pursuant to Sect. 7 sec. 5 Social Code II are only entitled to the limited "Benefits for Trainees" according to [§ 27 SGB II](#) (Sect. 27 Social Code II) if they are in need. The benefits are not considered unemployment benefit II and therefore do not include a health insurance obligation (see Chapter 6 - How are recipients of unemployment benefit II and income support insured for health and long-term care?).

The benefits for trainees include:

- the additional allowances due to pregnancy, for single parents, for cost-intensive nutrition and for irrefutable special needs (see Chapter 5 in section 2 - Additional allowances),
- the requirements for initial outfitting, for pregnancy and childbirth (see Chapter 7 in section 2 - One-off benefits),
- a bridging loan in the month in which training is taken up if payment of the first training allowance or BAföG (student loan) is not expected until the end of the month.

In cases of particular hardship, trainees who are not entitled to unemployment benefit II and income support receive a loan in the amount of their standard allowances, additional allowances due to decentralised hot water production, the costs of housing and heating, the requirements for education and participation and the necessary contributions to health and long-term care insurance.

A particular case of hardship *may* arise if, for example, the livelihood of single parents or severely handicapped persons is not secured shortly before completion of university studies and if, without the benefits of the Jobcenter, training is at risk to be discontinued ([§ 27 Abs. 3 Satz 1 SGB II](#)) (Sect. 27 par. 3 sentence 1 Social Code II).

A special hardship *must* be assumed and the hardship benefits must be paid as an allowance ([§ 27 Abs. 3 Satz 2 SGB II](#)) (Sect. 27 par. 3 sentence 2 Social Code II), if

- schoolchildren and students are not entitled to educational support under BAföG (student loan) only if they exceed the age limit (usually 30 years of age), *and*
- school education is absolutely necessary for integration in individual cases, *and*
- if the student does not receive benefits to earn a living, he or she is in danger of dropping out of his or her training.

Students at higher technical colleges, academies and universities are exempt from the hardship allowance - they *can* only receive a hardship loan.

All loans according to Sect. 27 Social Code II are to be repaid only after completion of the training ([§ 42a Abs. 5 SGB II](#)) (Sect. 42 par. 5 Social Code II).

Good to know: The children living in the household of trainees who are excluded from unemployment benefit II receive the regular Social Code II benefits. This applies likewise to the partners of the trainees living in the community at need.

Chapter 4 | What is the difference between a community at need, a household-sharing community and a residential community?

Whether you are entitled to unemployment benefit II and income support, and how much you are entitled to, also depends on whether you live in a community at need, a household community with relatives or a residential community.

1. Community at need, including "consensual habitation (marriage-like community)"

The legislator assumes that people who live in a community at need "live from a common pot". Partners have to stand up for each other and regularly parents have to stand up for their children if they still live at home.

Who belongs to the need community, is regulated in [§ 7 Abs. 3 SGB II](#) (Sect. 7 par. 3 Social Code II). These are

- the applicants,
- whose
 - spouses or registered partners who are not permanently separated or
 - partners living in domestic community, if both partners form a community of responsibility and consensual habitation ("marriage-like community"), and
- the unmarried children of the applicants or their partners who belong to the household, if the children are not 25 years of age and cannot make their living from their own income or assets. According to the BA, children under the age of 25 form their own community at need if they are fit for work and have a child of their own or live with a partner in their parents' household.

A community at need always presupposes that at least one person within the community at need is fit for work. It therefore also exists, for example, if a student who is capable of gainful employment (at least 15 years old) lives with parents who are fully incapacitated to engage in gainful employment.

Persons who are excluded from Unemployment benefit II, for example because they are studying, receiving an old-age pension or permanently receiving a full pension for reduced earning capacity, belong to the community at needs if they live together with persons entitled to SGB II benefits.

Married couples are considered to be "permanently separated" according to the case law of the Federal Social Court ([BSG of 18.2.2010 – B 4 AS 49/09 R](#)) if one or both partners are willing to separate and there are real grounds for terminating the partnership, for example, if one partner files for divorce or moves out of the joint home.

Determining "living separated" on the basis of the family law concept of separation, as the highest German social court has done so far, is controversial. In the opinion of some courts, "permanent separation" already exists if the spouses do not form a household for a longer period of time (no joint living and economic activity) - it does not depend on the partners' will to separate ([Social Court of Mainz of 26.3.2013 – S 17 AS 1159/12](#) and of [14.8.2014 - S 3 AS 430/14](#); [Social Court of Stuttgart of 4.12.2018 – S 8 AS 3575/18](#)) in section II.3).

Minor children who, due to the separation of their parents, live only temporarily in the household of a parent in need of help, form a so-called temporary community at needs with this parent. It is sufficient if the child lives with the parent "with a certain regularity for longer than one day" (Federal Social Court), for example every other weekend. The child then usually receives a pro rata regular allowance and, if necessary, a pro rata additional allowance for hot water or cost-intensive nutrition corresponding to the number of days per month on which it stays with the parent in need of help.

Distribution of income in the community at need

The entitlement to Unemployment benefit II and income support is generally determined by comparing the total income of the persons in the community at need with their total subsistence needs (regular allowance, additional allowance, accommodation costs). Only when these needs are covered by income, the remaining income is set off against the need for education and participation.

This method of calculation frequently means that, for example, a partner who has an income sufficient for himself/herself is considered to be needy and entitled to benefits as long as the need for help of all members of the need community needs has not been satisfied.

A different distribution of income within the community at need applies when one partner is excluded from Unemployment benefit II. In this case, only the income of the excluded partner that exceeds his or her own needs is distributed among the eligible members of the community at need.

The members of a community at need do not always have to use their income and assets for each other:

- The parents' income and assets are not taken into account for the child under 25 living in the household, if the child is pregnant or raises its own child under six ([§ 9 Abs. 3 SGB II](#)) (Sect. 9 par. 3 Social Code II).
- The income and assets of the children are only taken into account for them, but not for their parents or siblings in the household.

Good to know: If a child under the age of 25 has so much income - e.g. through maintenance and child benefit - or assets that it is not in need of help, it does not belong to the community at need. One consequence of this is that its share of housing and heating costs is no longer borne by the Jobcenter. The child may then receive housing allowance according to the [Wohngeldgesetz](#) (Housing Allowance Act) if necessary.

What is a "marriage-like community"?

A "marriage-like community" can be considered if partners live together who are neither married nor in a registered partnership. It exists when both partners are willing to take responsibility and stand up for each other ([§ 7 Abs. 3a SGB II](#)) (Sect. 7 par. 3a Social Code II).

If one of the following situations applies, the legislator *assumes* that there is a "marriage-like community":

- the partners live together for more than one year,
- the partners live together with a common child,
- one partner takes care of children or relatives of the other in the same household,

- the partners are entitled to dispose of each other's income or assets.

The legal presumption can be refuted by you.

Other indications may also suggest that one partner would stand by the other, for example if one partner favours the other in his/her life insurance policy. Therefore, a marriage-like community may already exist if you have not lived and worked together for one year.

✓ **Our advice:** A community at need presupposes the willingness to live together. You do not form a community of need with your flatmates if you and your roommate have always managed all household and lifestyle matters separately and can credibly demonstrate this to the Jobcenter.

2. Household-sharing community with relatives and in-laws

The legislator *assumes* that relatives and in-laws support each other when

- they live in the same household and
- are financially capable of doing so ([§ 9 Abs. 5 SGB II](#)) (Sect. 9 par. 5 Social Code II).

The presumption can be refuted by you.

Relatives are also parents, for example, if they live together with their 25-year-old or older children who no longer belong to the community at need.

Good to know: A household-sharing community does not exist if you live in an apartment together with relatives or in-laws, but - as in a shared apartment - manage it separately from each other.

Whether relatives or in-laws with whom a household-sharing community exists are financially able to support relatives in need of help is determined as follows: First, the income of the relatives is "adjusted" for certain deductions (more on this in Chapter 9 How are incomes taken into account?). From the adjusted income, double the standard allowance and the share of the gross rent attributable to the relatives are deducted. In individual cases, further special expenses can be deducted from the income, e.g. instalments for loans or maintenance payments to dependants outside the household. Half of the remaining income of the relatives is taken into account for the need of the person in need ([§ 1 Abs. 2 Alg II-V](#)) (Sect. 1 par. 2 Unemployment benefit II Ordinance).

The same amount of untouchable assets applies to the assets of the relatives or in-laws as applies to persons entitled to unemployment benefit II ([§ 7 Abs. 2 Alg II-V](#)) (Sect. 7 par. 2 Unemployment benefit II Ordinance). Read Chapter 10 - How are assets taken into account?

Example: M. is in need of help and lives in a household-sharing community with her aunt. The aunt receives a monthly retirement pension of 1,400.00 euro (net). The monthly gross rent is 600.00 euro. The aunt does not own any assets. The performance of the aunt is calculated as follows:

Aunt's net pension 1,400.00 euro

less

- insurance lump sum (adjusted) 30.00 euro

- double standard allowance 898.00 euro and

- half monthly gross rent (incl. heating and hot water) 300.00 euro

= remaining income 172.00 euro.

50 % of this will be taken into account to Ms. M.'s performance, which is **86.00 euro** per month.

If the relatives or in-laws in the household-sharing community are not capable of earning their subsistence, the Jobcenter cannot refer you to their support.

✓ **Our advice:** The Jobcenters may waive an assessment of subsistence capability if the relatives are not obliged to support you. In this case, a written declaration from the relatives that they will not support you is usually sufficient. In-laws are generally not obliged to support you.

If you actually receive cash benefits from relatives or in-laws, they will be taken into account. Free housing eliminates your need for housing and heating.

3. Residential community

If there is neither a community at need nor a household-sharing community with relatives or in-laws, the income and assets of the flatmates cannot be used to secure the subsistence level of the needy members of the community.

Chapter 5 | Which needs are taken into account in the basic income support?

Unemployment benefit II and income support are benefits to secure a livelihood. You are legally entitled to these benefits if the legal requirements are met.

Unemployment benefit II and social assistance consist of

- the standard allowance,
- the additional allowances, if any, and
- the need for housing, heating and hot water.

🔴 **Please note:** The actual payment amount is calculated by deducting your eligible income from the needs thus determined (see Chapter 9 - How are incomes taken into account?). In Chapter 9 you will also find examples for the calculation of unemployment benefit II.

1. Standard allowance


The standard allowance shall cover the monthly expenditure of each beneficiary on food, clothing, personal hygiene, household goods, electricity, household energy, excluding heating and hot water, transport, telephone, Internet and maintenance ([§ 20 SGB II](#); [Regelbedarfs-Ermittlungsgesetz](#) (Sect. 20, Social Code II; standard allowance -determination law)).

The standard allowance is granted in a lump-sum amount according to six standard allowance levels.

Table 1

Monthly standard allowance (in euro)

Standard allowance levels	2022	2021
Level 1: Single person, single parent, adult with partner under 18 years of age in the community at need	449	446
Level 2: Adult partners in a community at need	404	401
Level 3: Adults under the age of 25 who live in a community with their parents and persons under the age of 25 who have moved without the consent of the Jobcenter.	360	357
Level 4: Adolescents from 14 to 17 years of age	376	373
Level 5: Children from 6 to 13 years old	311	309
Level 6: Children under 6 years of age	285	283

 **Please note:** Table 1 shows the case groups regulated in Sect. 20 Social Code II. Other cases not regulated by law are possible.

2. Additional allowances

In addition to the standard allowance, additional allowances may be granted. It is intended to compensate for the higher financial burdens on beneficiaries in certain situations. If the relevant prerequisites are met, you are entitled to one or more additional allowances. In total, the additional allowances under 2.1 to 2.4 are only taken into account up to the amount of the standard allowance applicable to the respective beneficiaries.

2.1 Additional allowances for pregnant women

The additional allowance amounts to a lump-sum amount of 17 percent of the regular need of pregnant women and is granted from the 13th week of pregnancy until the end of the month of childbirth ([§ 21 Abs. 2 SGB II](#)) (Sect. 21 par. 2 Social Code II).

Table 2

Monthly additional allowance for pregnant women (in euro)

Standard allowance levels	2022	2021
Level 1: Single person, single parent, adult with partner under 18 years of age in the community at need	76.33	75.82
Level 2: Adult partners in a community at need	68.68	68.17
Level 3: Adults under the age of 25 who live in a community at need with their parents and persons under the age of 25 who have moved without the consent of the Jobcenter.	61.20	60.69
Level 4: Adolescents from 14 to 17 years of age	63.92	63.41

2.2 Additional allowance for single parents

Persons who live together with at least one minor child and bear sole responsibility for the upbringing and care of the child in the household are entitled to additional allowance ([§ 21 Abs. 3 SGB II](#)) (Sect. 21 par. 3 Social Code II). Children are not only biological or adopted children, but also foster children.


The additional allowance for single parents living with a child under 7 or with two or three children under 16 is 36 percent of the standard allowance of level 1. It is 12 percent of the standard allowance of level 1 for each child if the total is a higher monthly amount, but no more than 60 percent of the standard allowance of level 1.

Table 3:

Monthly additional allowance for single parents (in euro)

	2022	2021
1 child under 7 years of age	161.64	160.56
1 child from 7 years of age	53.88	53.52
2 children under the age of 16	161.64	160.56
2 children from 16 years of age	107.76	107.04
1 child from 7 years of age and 1 child from 16 years of age	107.76	107.04
3 children	161.64	160.56
4 children	215.52	214.08

from 5 children	269.40	267.60
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 **Please note:** If the child temporarily lives with divorced or separated parents in two households, the following regulations apply: The parents are each entitled to half of the additional allowances if the child alternates between each parent for at least a week. Otherwise, the full additional allowance is generally allocated to the parent with whom the child is predominantly staying.

2.3 Additional allowance for handicapped beneficiaries

Handicapped beneficiaries of unemployment benefit II are entitled to an additional allowance of 35 per cent of the standard allowance if they receive a service for integration into the labour market as specified in [§ 21 par. 4 SGB II](#). (Sect. 21 par. 4 Social Code II). This includes, for example, application training, further vocational training or disability-friendly workplace equipment. The additional allowance is also granted to handicapped persons with social assistance starting from the 15th birthday, if they attend a school, vocational school or university within the framework of benefits for participation [§ 23 Nr. 2 SGB II](#) (Sect. 23 No. 2 Social Code II).

Table 4

Monthly additional allowance for handicapped beneficiaries (in euro)

Standard allowance levels	2022	2021
Level 1: Single person. single parent. adult with partner under 18 years of age in the community at need	157.15	156.10
Level 2: Adult partners in a community at need	141.40	140.35
Level 3: Adults under the age of 25 who live in a community with their parents and persons under the age of 25 who have moved without the consent of the Jobcenter.	126.00	124.95
Level 4*: Adolescents from 15 to 17 years old	131.60	130.55

* after 15th birthday

2.4 Additional allowance for costly nutrition

If for medical reasons additional nutritional costs are incurred as a result of an illness, an additional allowance must be granted ([§ 21 Abs. 5 SGB II](#)) (Sect. 21 par. 5 social Code II). The illness must be certified by a doctor.

The recommendations of the the German Association for Public and Private Welfare form the basis for the granting of the additional allowance because of cost-intensive nutrition in Berlin. In September 2020, the German Association updated its [Empfehlungen zur Gewährung des Mehrbedarfs bei kostenaufwändiger Ernährung nach §30 Abs. 5 SGB XII](#) (Recommendations for granting additional needs due to costly nutrition in accordance with Section 30 (5) Social Code XII). The recommendations refer specifically to the additional needs of social assistance (Social Code XII), but are also applied in the area of basic benefits for jobseekers with only a few deviations.

According to this, an additional lump-sum allowance is generally recognized with certain illnesses. Decisive for the calculation of the additional need is always the standard need for single persons.

Table 5

Monthly additional need due to costly nutrition (according to the recommendations of the German Association German Association for Public and Private Welfare of 16 September 2020)

Disease	Recommended additional demand (in % of the standard needs level 1)
Celiac disease	20 % (89.80 euro)
Mucoviscidosis	30 % (134.70 euro)
Disease-associated malnutrition* (formerly: consumptive diseases)	10 % (44.90 euro)
Terminal renal insufficiency with dialysis therapy	5 % (22.45 euro)
"Dysphagia"	in the amount of the actual expenses

* Such malnutrition *may be* present in the following diseases, among others: tumor diseases, chronic obstructive pulmonary disease (COPD), CED (Crohn's disease, colitis ulcerosa), neurological diseases (including dysphagia), terminal and preterminal renal insufficiency, especially in dialysis, wound healing disorders, or liver diseases (for example, alcoholic steatohepatitis, liver cirrhosis). The prerequisite for granting the additional need in these cases is that either a [body mass index](#) (BMI) below 20, a significantly reduced muscle mass or a rapid loss of weight due to illness is present and this is a consequence of the severity of the illness or a severely reduced food intake (no dieting or anorexia).

In the case of food intolerances, for instance, lactose intolerance, high blood pressure, elevated blood lipid levels or type I and II diabetes, generally no additional allowances are granted. According to the recommendations of the German Association, a full diet ("healthy mixed diet") is sufficient in these cases - according to the argumentation the respective costs are covered by the standard requirement.

The nutrition-related additional needs of children and adolescents were not examined separately by the German Association. The German Association assumes that the aforementioned recommendations can generally also be used for children and adolescents. However, further medical examinations are recommended if there are indications that there is a higher additional need due to age. Such a reason exists, for example, in the case of illness-related dietary restrictions as a result of lactose intolerance in infancy and toddlerhood.

Good to know: The recommendations of the German Association for Public and Private Welfare are not legally binding. In individual cases, the courts may deviate from these recommendations. Also for illnesses, which are not specified here, an additional allowance can be recognized in individual cases. As a rule, an additional official medical examination will then be necessary.

2.5 Irrefutable special needs ("additional need in case of hardship")

An additional allowance is to be granted if beneficiaries in individual cases have a special, i.e. irrefutable need that is not covered or not covered to the extent required by the standard need and also have an irrefutable need ([§ 21 Abs. 6 SGB II](#)) (Sect. 21, par. 6 Social Code II). These are mainly ongoing needs, in exceptional cases also one-off needs (see below).

In particular, a need is irrefutable if it cannot be postponed and cannot be covered by grants from third parties (e.g. schools) or benefits of other benefit providers (e.g. health and care insurance). The additional allowance should not be granted if the additional expenditure is low and can be compensated by savings elsewhere in the lifestyle.

According to the legislator's ruling, this is a hardship provision which is "limited to a few cases due to the narrow and strict prerequisites" ([Bundestags-Drucksache 17/1465](#), page 8 et seq.).

As an example, the Federal Employment Agency mentions the following requirements in its directives, which can in principle be recognised:

- Cleaning or domestic help for physically severely handicapped persons, for example wheel-chair users,
- Costs of exercising the right of access to children in the case of parents living separately, in particular the travel expenses of the children or the parent,

- Care and hygiene articles that are needed on an ongoing basis for health reasons and are not paid for by the health insurance, for example hygiene articles in the case of outbreaks of HIV infection, body care products for neurodermatitis.

In the case of one-off needs, the Jobcenter first checks whether a loan is possible under [§ 24 Abs. 1 SGB II](#) (Sect. 24 par. 1 Social Code II) (more on the "loan in the case of irrefutable needs", see Chapter 7 in section 2.4). Only if support as a loan is not reasonable or the application of the loan regulation is excluded because the one-time need for living is not covered by the standard need, the additional need is taken into consideration. A loan may be unreasonable for beneficiaries if a high financial need arises unforeseeably.

A one-off special need may be considered, for example, for the purchase of a PC, laptop or tablet for schoolchildren in need of assistance, provided the school certifies the need and the schoolchildren do not have their own suitable device or it cannot be provided in a timely manner. Courts have recognised a special need especially in connection with participation in pandemic-related school lessons in the home environment ("homeschooling") (e.g. [Regional Social Court of Schleswig-Holstein of 18.3.2021 - L 3 AS 28/21 B ER](#)).

The Federal Employment Agency (BA) grants - under the aforementioned conditions - pupils under 25 years of age in need of assistance additional needs of up to 350 euros each for the purchase of a PC, laptop or tablet, if necessary also a printer ([Weisung vom 1. Februar 2021](#)) (directive of 1 Feb. 2021).

A new directive of the Federal Employment Agency (BA) provides for the recognition of pandemic-related special needs for distance learning only as long as the German Bundestag has determined the epidemic situation to be of national scope ([Weisung vom 13. Oktober 2021](#) (directive of 13 Oct 2021)). Since the epidemic situation of national scope expired on 25 November 2021, it remains to be seen whether this restrictive instruction will be maintained.

✓ **Our advice:** In case of ongoing special needs document the extent of your monthly additional costs with receipts or other means. The amount of your additional allowances depends on this. In the case of health-related additional costs, you can prove, for example by means of a doctor's certificate, that the expenses are necessary from a medical point of view.

2.6 Additional allowance for schoolbooks

Expenses for the purchase or lending of textbooks and workbooks with ISBN numbers for a fee are covered as additional needs ([§ 21 Abs. 6a SGB II](#)) (Sect. 21, par. 6a Social Code II).

The prerequisite is that there is neither a learning aid exemption nor the possibility of a free acquisition or lending of textbooks and workbooks for the

schoolchildren concerned. In addition, the use of the book or workbook must be specified by the school or the respective subject teacher.

In Berlin, families in need of assistance are exempt from paying the personal contribution for the purchase costs of learning materials upon application (see Chapter 18 in section 3 - Exemption from the personal contribution for the purchase of learning materials in school).

2.7 Additional allowance in case of decentralized hot water generation

If hot water is generated in the apartment, for instance, by an electric boiler or instantaneous water heater, an additional allowance of 0.8 to 2.3 percent of the respective standard allowance is recognised ([§ 21 Abs. 7 SGB II](#)) (Sect. 21 par. 7 Social Code II).


 **Please note:** The hot water generation via the gas heating is part of the central hot water production. You can find out more about the special features of gas heating in this Chapter in section 3.2 b) Limit values for heating costs, including central hot water preparation.

Table 6

Monthly additional allowance due to decentralized hot water generation (in euro)

Standard allowance levels	2022	2021
Level 1 (2.3 percent)	10.33	10.26
Level 2 (2.3 percent)	9.29	9.22
Level 3 (2.3 percent)	8.28	8.21
Level 4 (1.4 percent)	5.26	5.22
Level 5 (1.2 percent)	3.73	3.71
Level 6 (0.8 percent)	2.28	2.26

Higher expenses for decentralized hot water supply will only be covered if the hot water consumption is proven by a separate measuring device.

2.8 Additional allowance for persons incapacitated to engage in work, classified G, aG

Income support beneficiaries who are fully incapacitated for work within the meaning of Social Code VI and are recognised as severely disabled persons with walking impediments or extraordinary walking disabilities (classified G or aG) receive an additional allowance of 17 per cent of their standard allowance ([§ 23 Nr. 4 SGB II](#)) (Sect. 23 no. 4 Social Code II). Exception: They already get an additional allowance because of their disability (see in this chapter in section 2.3). The additional allowance is to be granted by the Jobcenter, if the person with walking impediments lives with an employable person in the community at need.

Table 7

Monthly additional allowance for persons incapacitated to engage in work, classified 'G' or 'aG' (in euro)

Standard allowance levels	2022	2021
Level 1: Single person. single parent, adult with partner under 18 years of age in the community at need	76.33	75.82
Level 2: Adult partners in a community at need	68.68	68.17
Level 3: Adults under the age of 25 who live in a community with their parents and persons under the age of 25 who have moved without the consent of the Jobcenter.	61.20	60.69
Level 4*: Adolescents from 15 to 17 years old	63.92	63.41

* in this case, after the 15th birthday

3. Needs for housing, heating and hot water (housing costs)

After the first application has been made, the Jobcenter will initially cover the actual cost of your housing as a need. If your housing costs exceed the amounts deemed reasonable, the costs will only be paid in full temporarily, usually for six months ([§ 22 Abs. 1 SGB II](#)) (Sect. 22 par. 1 Social Code II).

* Please note the Corona special regulation on the [Kosten für Unterkunft und Heizung](#) (costs for accommodation and heating) in our online information "What currently applies if I apply for unemployment benefit II ("Hartz IV") or supplementary child allowance? ". If the special regulation applies to you, your actual housing costs, regardless of their amount, are considered reasonable for a limited period of time.

3.1 What belongs to housing costs?

The housing costs of tenants include

- the net rent (excluding heating and utilities),
- the monthly advances for utility costs such as waste disposal, irrigation and drainage or cleaning of the hallway,
- monthly heating costs and hot water costs for *central* hot water preparation,
- the annual additional utility and heating costs demanded by the landlord, and
- other payments owed under the rental agreement, e.g. for cable connection, if there is a factual connection in terms of renting the apartment ("unavoidable ancillary rental costs").

If heating material is purchased annually, the expenses are to be taken into account as a need in the month in which they are due. If applicable, this results in a claim to SGB II benefits only in the month in which the heating material is purchased ([BSG vom 8. Mai 2019 - B 14 AS 20/18 R](#)) (Federal Social Court of 8 May 2019).

Utility and heating bills

Additional claims by the landlord for utilities and heating costs that are due during the period of unemployment benefits II and affect the current apartment must be paid for by the Jobcenter, even if they originate from an accounting period prior to the need for assistance. For subsequent claims by the landlord after the completion of a cost reduction procedure, please refer to section 3.3 in this Chapter.

Repayments and credits from utility bills and heating bills - even if they originate from periods before the unemployment benefit II payment - reduce the level of need for housing and heating from the month after the amount was credited ([BSG vom 24.6.2020 – B 4 AS 7/20 R](#)) (Federal Social Court of 24 Jun 2020). They lead to lower payments from the Jobcenter. Any overpayments have to be refunded to the Jobcenter. Exception: Credit balances remain free of charge to the extent that you had to pay all or part of your utility and heating costs from the unemployment benefit II in the accounting period because the Jobcenter had not recognised your housing costs in full ([§ 22 Abs. 3 SGB II](#)) (Sect. 22 par. 3 Social Code II). The non-recognised housing costs during unemployment II benefits detailed in this Chapter in section 3.3 - When will you be asked to reduce your housing costs?

Proportionate housing costs

In principle, housing costs are divided equally among the residents in the notice of approval. If persons who do not belong to the household, e.g. children from the age of 25, live in the apartment, only a correspondingly smaller share of the housing costs is allocated to the household. Only this share of the housing costs is compared to the permissible housing costs for the community at need when examining the appropriateness.

Deviations from this "per-capita principle" ["Kopfteilprinzip"] are possible in certain cases, for example, if there is an effective tenancy agreement between persons who share an apartment without forming a community at need.

Owner-occupied housing

If beneficiaries live in their condominium or single-family home, the Jobcenter will bear all the utility and heating costs of the property, similarly to those borne by tenants. In addition, the need also includes the property-related housing costs, for example debt interest charged on the residential property (usually no repayment charges) as well as irrefutable repair and maintenance costs for the property (see [Nummer 4 der AV-Wohnen](#)) (No. 4 of Implementation ordinance - housing).

3.2 What housing costs are considered "reasonable" in Berlin?

How expensive housing is in Germany varies from city to city and from region to region. "Reasonable" housing costs must therefore always take into account the situation on the local housing market.

Up to what level housing costs in Berlin are considered "reasonable" is regulated in the implementing order for housing [Ausführungsvorschriften Wohnen](#) (AV-Wohnen (Implementation ordinance - housing)).

Case law requires the municipal providers of basic income support to develop a so-called conclusive concept by which the appropriate values are determined in a transparent and comprehensible manner. The Berlin Senate has published what it considers to be a "conclusive concept" in [Anlage 1](#) (Annex 1) to the AV Wohnen (implementation ordinance for housing).

The AV-Wohnen ((implementation ordinance for housing) stipulate

- reference values or the gross rent (excl. heating and hot water), and
 - limits on heating costs, including central water heating,
- which determine the adequacy of housing. The size of your apartment does not play a role in the appropriateness test of the Jobcenter.

The implementation ordinance for housing (AV Wohnen) distinguishes between two situations:

- **In the case of existing housing** - this is usually the apartment you rented when you started receiving benefits - the relevant reference value and the limit value are added together. Both values, together with a relocation avoidance surcharge and, if applicable, further surcharges and deductions, result in the "total allowable expenses", which must not be exceeded by your total rent (incl. utilities) in order for your housing costs to be considered reasonable (more on this in the course of this section).

- **When renting new housing** during the unemployment benefit II period, neither the reference value for the gross rent (excl. heating and hot water) nor the limit value for heating costs - with surcharges and deductions where applicable - may be exceeded (see Section 3.4). Adequacy is also determined separately for the gross rent (excl. heating and hot water) and heating costs as soon as the Jobcenter reduces "unreasonable" housing costs to "reasonable" needs (see Section 3.3).

The following housing cost adequacy rules apply to tenants and apply mutatis mutandis to persons living in their condominium or single-family home.

🔴 **Please note:** The social courts are not bound by the provisions on adequacy stipulated in the implementation regulations for housing, since they are merely regulations for the employees working in the administration.

a) Reference values for gross rents (excl. heating and hot water)

The reference values for gross rents (excl. heating and hot water) vary according to the size of the community at need. The values are adjusted every two years, in each case after publication of the Berlin rent index. The following reference values are based on the Berlin rent index of 2021.

In Table 8 and in the tables at the end of this practical guide (Annex I) you will find in column 2 the reference values for the gross rent (excl. heating and hot water).

The reference values can be increased by surcharges.

On our website <https://www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-alg-ii>, you can find out the current status of the values that are considered "reasonable" for your housing needs in Berlin.

Public housing

For apartments in public housing (1st subsidy channel), applicable reference values for the gross rent (excl. heating and hot water) are increased by 10 percent. Once the public housing period ends, the regular reference values apply.

⇒ The [Investitionsbank Berlin \(IBB\)](#) can inform you by telephone at (030) 2125-4545 whether you have rented an apartment in the public housing sector (1st subsidy channel).

Climate bonus

In the case of energy-efficiently renovated housing, a so-called climate bonus is added to the reference values for the gross rent (excl. heating and cold water). The prerequisite is that the final energy value for the building is less than 100 kilowatt hours per square meter per year (energy efficiency classes A to C). Proof is provided by the energy certificate for the building.

According to [Annex 1](#) of the Housing ordinance, the bonus amounts to

- 25 euro for one person in the community at needs,
- 32.50 euro for two persons in the community at needs,
- 40 euro for three people in the community at needs,
- 45 euro for four people in the community at needs and
- 51 euro for five people in the community at needs.

For each additional person in the community at needs the allowance increases by six euro.

Additional allowance in case of hardship

In addition to the reference values, in hardship cases, an additional allowance of 10 percent of the reference value will be granted. The additional allowance applies in particular to

- single parents,
- pregnant women,
- 60-year-olds or older beneficiaries,
- significant social implications, for example, if the childcare centre, childcare facility or children's school are close to the previous home or caring for close relatives, for instance in the vicinity of the place of residence,
- own long-term care, illness or disability,
- people with at least 10 years living in the same apartment or
- rent increases due to modernization allowances.

Good to know: There is only *one* additional allowance for hardship cases of 10 percent, even if several hardship criteria are met. The additional allowance for hardship is also added to the increased reference value for apartments in public housing (1st subsidy channel), the climate bonus and the allowance for newly tenancies. You can find out more about the new tenancy allowance in this Chapter in section 3.4 b) - Existing or imminent homelessness.

Table 8

Reference values for the monthly gross rent (excl. heating and hot water)

Size of the community at need (number of persons)	Reference value of gross rent (excl. heating and hot water) (in euro)	
		plus additional allowance for hardship
1	426.00	468.60
2	515.45	567.00
3	634.40	697.84
4	713.70	785.07
5	857.82	943.60
For each additional person	+ 100.92	+ 111.01

Table 9

Reference values for the monthly gross rent (excl. heating and hot water) in public housing

Size of the community at need (number of persons)	Reference value of gross rent (excl. heating and hot water) (in euro) Public housing	
		plus additional allowance for hardship
1	468.60	515.46
2	567.00	623.69
3	697.84	767.62
4	785.07	863.58
5	943.60	1,037.96
For each additional person	+ 111.01	+ 122.11

Special regulations for individual groups of people

For **handicapped persons** in disabled-friendly homes, in particular wheelchair users, the adequacy is determined independently of the reference values for the gross rent (excl. heating and hot water). This also applies to **homeless persons**, as long as it is not possible to rent regular living space and therefore they have to be accommodated cost-intensive.

For **persons with chronic diseases**, for example in the case of AIDS, higher gross rents and heating costs are considered reasonable if the Housing Office confirms a need for additional housing. As a rule, the values for a community at need increased by one person are then reasonable.

In the case of **pregnant women from the 13th week of pregnancy**, the reference value for the next larger group of requirements is taken as a basis after presentation of medical proof of the expected date of birth.

If **parents live separately** and the children live only temporarily but regularly with the beneficiaries (temporary community at need), the children are included in the determination of the size of the community at need and the reference value. Provided, from the point of view of the Jobcenter additional rooms are necessary. If separated parents care for their child approximately half each, the child is to be taken into account as an additional household member in the appropriateness of the housing costs (see [Nummer 3.5.3 der AV-Wohnen](#)) (No. 3.5.3 of Implementation ordinance - housing).

b) Limit values for heating costs, including central hot water preparation

The limit values for the heating costs including central hot water preparation are based on the values of the nationwide [Heizspiegel von co2online gGmbH](#) (heating cost index of co2onlinegGmbH). The values are adjusted annually after the announcement of a new heating cost index (siehe [annex 2](#) - AV Wohnen Implementation ordinance – housing).

The Senate Department for Labour and Social Affairs has decided in favour of those *entitled to benefits* that the adjustment of the heating cost values for the year 2022 will not apply. The limit values for heating costs from 1 Jan 2022 will not be calculated on the basis of the national heating index for 2021, but will continue to be calculated on the basis of the heating index for 2020.

Background: At the turn of the year 2021/2022, energy prices have risen sharply. However, the current nationwide heating index was still calculated using data from a time when energy prices were significantly lower. Determining the limit values on the basis of the current heating index would therefore mean falling amounts for all energy sources, which does not do justice to the current price development.

On our website www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-alg-ii, you can find out the current status of the values that are considered "reasonable" for your housing needs in Berlin.

The limit values differ according to


- Size of the community,
- Type of energy source used for heating (oil, gas, district heating or heat pump),
- Size of the heating surface of the building (= sum of all heated living surfaces according to heating cost account).

Table 10

Limit values for monthly heating costs including central hot water preparation

(here: for larger residential buildings with heating surfaces of more than 1,000 square metres)

Size of the community at need (number of persons)	Limit value (in euro)		
	oil	gas	district heating
1	69.50	58.50	78.50
2	90.35	76.05	102.05
3	111.20	93.60	125.60
4	125.10	105.30	141.30
5	141.78	119.34	160.14
For each additional person	+16.68	+14.04	+18.84

 **Please note:** Higher limits apply to heating surfaces of 1,000 square metres and less in buildings. A complete list of the limit values for heating and hot water costs for oil, gas and district heating is given in the tables (column 4) at the end of the practical guide (Annex I).

Heat pump heating systems are heating systems that use the thermal energy stored in the air, ground water or soil to heat buildings. The limit values for heating costs when using environmental energy are published in [Anlage 2](#) (Annex 2 of Implementation order - housing).

Decentralised hot water generation

The limit values according to the nationwide heating level include the costs for *central* hot water preparation, which are paid with the gross rent for hot water. In the case of *decentralised* hot water generation in the home, for example with an electric boiler or instantaneous water heater, deductions must be made from the limit values. The monthly deductions for heating systems operated with heating oil, natural gas or district heating are

- 7 euro for one person in the community at need,
- 9 euro for two persons in the community at need,
- 11 euro for three people in the community at need,
- 12 euro for four persons in the community at need and
- 14 euro for five people in the community at need.

For each additional person in the community at need, the deduction increases by two euro.

For apartments with heat pump heating systems, monthly deductions between 9 and 18 euro are to be made for communities at need from one to five persons. You can review the exact deduction in [Anlage 2](#) (Annex 2 of implementation order - housing).

👉 **Please note:** The costs for a *decentralised* production of hot water are recognised as additional allowance at a lump sum (see in this Chapter at 2.7 - Additional allowance for decentralised production of hot water).

Gas floor heating

For apartments with gas floor heating, only the size of the respective apartment for the building heating surface is calculated. The limit values under the heading "100 to 200 square metres" in the tables at the end of the practical guide (Annex I) then apply. The production of hot water via the gas floor heating is part of the *central* hot water production.

Deductions due to climate bonus

In residential buildings that have been energetically renovated, savings on heating costs are a regular occurrence. The climate bonus granted for the gross rent (excl. heating and hot water) is therefore deducted in whole or in part from the limit values for heating costs.

Example: *Mrs. B. is single and lives in an apartment with energy efficiency class C. Her gross rent (excl. heating and hot water) is 430 euro per month. How is the climate bonus taken into account in the heating costs?*

The "reasonable" gross rent (excl. heating and hot water) of Mrs. B. is calculated from 426 euro (reference value) and the climate bonus of 25 euro, which together amount to 451 euro. Since the actual gross rent (excl. heating and hot water) only amounts to 430 euro, 21 euro of the climate bonus are not taken into account in the gross rent (excl. heating and hot water). The monthly limit for heating costs is therefore only reduced by the actual four euro climate bonus (25 euro bonus minus 21 euro).


Other energy sources

For **night storage heaters**, the Senate Administration regards the following values as limit values above which "inappropriate" heating begins. The values are based on information from co2online, Vattenfall and other electricity providers in Berlin and are published under number 2 in the circular "[Leistungen für Heizung \(feste Brennstoffe und Nachtspeicherheizung\) nach SGB II und SGB XII](#)" (benefits for heating (solid fuels and night storage heaters) according to Social Code II and Social Code XII).

Table 11


Monthly heating costs for night storage heaters

Size of the community at need (number of persons)	Limit value (in euro)
	Night storage heater
1	105
2	130
3	160
4	180
5	204
For each additional person	+ 24

 **Please note:** The amounts apply independently of building heating surfaces and for heating the entire apartment using night storage heating. In apartments with more than one type of heating, separate values are used for individual rooms with night storage heaters. There is no deduction for decentralised hot water generation.

For apartments with **coal stoves**, the quantities and prices for coal briquettes apply in Berlin within the framework of the regulations for [Brennstoffhilfe](#) (support for fuel).

For both types of heating there are no comparable representative surveys available as for the energy sources recorded in the nationwide heat index. The Jobcenters are therefore required to determine the appropriate heating requirement individually if the values are exceeded ([Nummer 5.2 Abs. 4 AV-Wohnen](#)) (No. 5.2 par. 4 Implementation ordinance - housing).

 **Our advice:** If your housing costs exceed the values for the "permissible total expenditure" due to increased heating costs (see below), you should check whether there are special reasons for this. In individual cases, for example, health or age-related conditions or an energetically inadequate building condition, such as simple windows or inefficient radiators, can justify the increased heating cost demand. In this case, draw the Jobcenter's attention to these circumstances. The Jobcenter may then have to recognise your individual heating costs as reasonable.

c) Total allowable expenditure

Decisive for the adequacy of your housing costs in Berlin are the "permissible total expenditure". Your housing costs are considered "reasonable" as long as your *gross rent* (incl. heating and hot water) does not exceed the total allowable expenses for your home.

What is "total allowable expenditure"?

The total allowable expenses are composed of

- the relevant reference value for the gross rent (excl. heating and hot water), plus 10 percent in public housing *and*
- 10 percent hardship allowance on the reference value and/or in the case of public housing on the reference value increased by 10 percent *and*
- the relevant limit value for heating costs, less, where reasonable, the lump sum for decentralised hot water production, *and*
- an allowance of 10 percent of the reference value, which is intended to prevent removals as far as possible (relocation avoidance allowance).

🔴 **Please note:** The total allowable expenditure is a limit to the adequacy of the home in which you currently live. They do not apply when a new apartment is rented while receiving benefits or when the cost assumption for the rent is lowered after completion of a so-called cost reduction procedure. Further details on "cost reduction" and new lettings for persons receiving benefits can be found in the following sections 3.3 and 3.4 a).

Table 12

Total allowable expenditure for housing and heating costs in Berlin


(here: for larger residential buildings with heating surfaces of more than 1,000 square meters and including central hot water supply)

Oil as a source of energy		
Size of the community at need (in persons)	Total expenses (in euro)	
	including relocation avoidance allowance	
		and hardship allowance
1	538,10	580.70
2	657.35	708.89
3	809.04	872.48
4	910.17	981.54
5	1,085.38	1,171.16
For each additional person	+ 127.69	+ 137.78

Gas as a source of energy		
Size of the community at need (in persons)	Total expenses (in euro)	
	including relocation avoidance allowance	
		and hardship allowance
1	527.10	569.70
2	643.05	694.59
3	791.44	854.88
4	890.37	961.74
5	1,062.94	1,148.72
For each additional person	+ 125.05	+ 135.14

District heating as a source of energy		
Size of the community at need (in persons)	Total expenses (in euro) including relocation avoidance allowance and hardship allowance	
1	547.10	589.70
2	669.05	720.59
3	823.44	886.88
4	926.37	997.74
5	1,103.74	1,189.52
For each additional person	+ 129.85	+ 139.94

On our website www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-alg-ii you can find the current status of the values that are considered "reasonable" for your housing needs in Berlin.

 **Please note:** Higher review limits apply to building heating surfaces of 1,000 square meters or less. A list of the related total expenditure for all building heating surfaces for the energy types heating oil, natural gas and district heating can be found in the tables (columns 5 to 7) at the end of the practical guide (Annex I).

Example: Ms. F. (single) has been living in her old apartment with district heating (incl. hot water) for 13 years. The heating surface of the building is larger than 1,000 square metres. She pays a monthly gross rent of 560 euro.

Result: Ms. F. receives a hardship supplement of 10 percent due to her long period of residence. Since their monthly gross rent of 560 euro does not exceed the permissible total expenditure of 589.70 euro per month (see table 12: District heating, one person with hardship supplement), the Jobcenter covers the full cost of housing.

For apartments with night storage or heat pump heating systems, the appropriateness of existing living space will be also examined according to the criterion of the overall appropriateness of housing costs.

3.3 When will you be asked to reduce your housing costs?

If your gross rent exceeds the total allowable expenditure, the Jobcenter will ask you to reduce your housing costs, for example by subletting or removal. In individual cases, it may take longer until you get a request for cost reduction.

*Please note the Corona special regulation on the [Kosten für Unterkunft und Heizung](#) (costs for accommodation and heating) in our online information "What currently applies if I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance?". If the special regulation applies to you, your actual housing costs, regardless of their amount, are considered reasonable for a limited period of time.

After the written request to reduce costs, your housing costs will only be covered, as a general rule, for six months. Extensions of the grace period are, however, possible.

The deadline *can* also be extended to one year if the Jobcenter considers the move "uneconomical". This is the case when the cost of the move exceeds the savings achieved by the move. Which removal costs can be included in the comparison calculation is explained in the next section "Acceptance of removal expenses".

Good to know: If you are unable to find a "suitable" apartment within the six-month period despite proven intensive search efforts, the period is to be extended respectively. Personal circumstances, such as a bereavement, can also postpone the deadline with the Jobcenter's consent.

✓ **Our advice:** In order to extend the deadline, you should document your search efforts. The Jobcenter expects you to demonstrate at least two housing search efforts per week. For example, a written confirmation of receipt of an apartment application or an invitation to an apartment viewing by the landlord is regarded as proof. For public apartment viewings, make a note of the address of the apartment, the name of the contact person for the apartment, the date and time of the apartment viewing, telephone contact of the landlord, the date and time of the call and the name of the contact person for the apartment.

After expiry of the six-month period or any extended period, the Jobcenter will only pay the costs for the previous apartment in a reduced amount.

The "reasonable" housing costs are then determined separately according to the gross rent (excl. heating and hot water) and the heating costs, if necessary, including central hot water preparation.

If, for example, only your gross rent (excl. heating and hot water) exceeds the reference value applicable to you, the rent will be reduced to the relevant reference value only for the gross rent (excl. heating and hot water). In addition to the reference value, the allowance for public housing construction, the hardship allowance and the climate bonus must also be taken into account, but not the relocation avoidance allowance. The "reasonable" heating and hot water costs, on the other hand, will continue to be borne by the Jobcenter to the same extent as before.

In this case, additional payments for operating costs will only be taken over for the accounting months prior to the completion of the cost reduction process. However, the Jobcenter must continue to reimburse the landlord's additional claims for heating and hot water costs.

Example: Ms. F. has received a rent increase in the meantime. Her gross rent (excl. heating and hot water) increases to 550 euro per month. Her heating and hot water costs (district heating) amount to 60 euro per month. She now pays the landlord a total of 610 euro a month.

Result: Since the gross rent of 610 euro per month exceeds the review limit of 589.70 euro, the Jobcenter initiates a cost reduction procedure. Ms F. must expect that at the end of the cost reduction procedure the Jobcenter will pay only 468.60 euro for the gross rent (excl. heating and hot water) (see table 8: one person with hardship allowance) - in addition to the 60 euro for heating, including hot water, which are considered reasonable (see table 10: one person with district heating). In total, only 528.60 euro per month are recognized as a need for the apartment by the Jobcenter.

If the relevant reference value for the gross rent (excl. heating and hot water) and the limit value for the heating costs are exceeded, both cost units are reduced to the "appropriate" value in each case.

✓ **Our advice:** If the cost assumption for your rent has been lowered, the Jobcenter is obliged to adjust the payments for your rent if the Senate Administration increases the guideline or limit values ([Nummer 15 der AV-Wohnen](#) (no. 15 of the implementation ordinance – housing)). If the office does not act on its own initiative, you should submit a corresponding application to the Jobcenter yourself.

Good to know: If the reference value or limit values are "insignificantly" exceeded, in certain cases of hardship no reduction of the cost assumption for the apartment *should* be implemented.

This applies to

- serious illness, disability or need for care of the beneficiary or a relative living in the household, if the health restrictions make a relocation impossible or unreasonable,
- 60-year-old or older beneficiaries after at least 10 years of residence, if the amount of the future pension is sufficient to ensure that no additional benefits from basic income support are required in old age and in the event of reduced earning capacity,
- single parents with two or more children, or
- one-off or short-term assistance.

If the Jobcenter nevertheless wants to initiate a cost reduction procedure in these cases, the district social services or medical services must be involved in advance.

Rent subsidy in Berlin related to public housing construction

Tenants in apartments of publicly subsidised social housing construction (1st subsidy channel) whose housing costs have been reduced in accordance with a cost-cutting procedure receive a rent subsidy up to the amount of the gross rent that is no longer paid by the Jobcenter ([§ 2 Wohnraumgesetz Berlin](#) (Berlin Housing Act)). Applications for a rent subsidy can be submitted to Investitionsbank Berlin (IBB), Bundesallee 210, 10719 Berlin, telephone: (0 30) 2125-4545. Further information on the rent subsidy can be found at: <https://www.ibb.de/de/foerderprogramme/mietzuschuss-in-sozialwohnungen.html>

... and what applies in court?

If your appeal of the reduction in your housing needs is denied, you have the option to file a complaint.

What do you have you to expect in court?

In September 2020, the Federal Social Court (BSG) ruled that it is not sufficient for the labour administration to only refer to certain values of the local rent index to determine the appropriate gross cold rent. The authority must satisfy itself that housing is actually available to a sufficient extent at the adequacy value it determines. The adequacy value represents the amount of expenditure at which new housing must be rentable in the event of a move necessary to reduce costs [BSG of 3.9.2020 - B 14 AS 37/19 R](#) in particular marginal numbers 24 and 27ff.).

The Senate Department for Integration, Labour and Social Affairs has reacted to the BSG decision and commented on the criterion "sufficient availability of housing" in [Anlage 1](#) (Annex 1) of the AV-Wohnen (implementation ordinance – housing). In it, the administration comes to the conclusion that - at least from the new version of the AV-Wohnen as of 1 January 2018 - *"the determination of reasonable housing costs in the adequacy concept in Berlin ... is conclusively presented according to the criterion of rentability"*.

In the opinion of many social judges in Berlin, the AV-Wohnen (implementation ordinance – housing) did not provide a consistent "coherent concept". Since the Berlin administration was not able to provide "conclusive" values in the course of court proceedings, some judges used their own calculations as a basis for determining the appropriate gross rent values.

The 179th chamber of the Berlin Social Court first determined the abstract value for the appropriate gross cold rent on the basis of the methods of the BSG ("product theory") and the Berlin rent index valid in the period in dispute. In the case of the claimant (3-person community at need), the Chamber then increased this value so that the beneficiary who had been asked to reduce costs was able

to rent 20 per cent of the flats offered by advertisement in Berlin during the period in dispute (with an underlying living space of 60 sqm to under 90 sqm) (marginal number 60ff.). As a result, the court arrived at a value for the appropriate gross cold rent that was approx. 50 euros above the guideline value of the AV-Wohnen (implementation ordinance – housing) ([SG Berlin of 6.7.2021 – S 179 AS 1083/19](#)- S 179 AS 1083/19, marginal number 45ff.).

The 155th chamber of the Berlin Social Court, on the other hand, considered it necessary in another proceeding to assess the gross rent guideline (without heating and water) value in such a way that, in the period in dispute, even one third of the offered living space with a simple standard (in the size of the respective group home) had to be rentable in principle for persons entitled to benefits ([SG Berlin of 19.7.2021 – S 155 AS 14941/16](#), marginal number 37).

If courts come to the conclusion that on the basis of the available data the sufficient availability of flats in Berlin and therefore an adequate gross rent (without heating and water) cannot be determined ([LSG Berlin-Brandenburg of 21.1.2021 - L 19 AS 1129/17](#), marginal number 36; [SG Berlin of 27.7.2021 - S 204 AS 6271/18](#); [SG Berlin of 4.11.2021 – S 114 AS 6315/21 ER](#)), they take the actual gross rent (without heating and water) as the basis for the need for accommodation as a stopgap, limited, however, by the table values in rent level IV according to the Housing Allowance Act ([Anlage 1](#) - Annex 1 to Section 12 (1) WoGG) plus a safety surcharge of 10 per cent. In doing so, the courts rely on the case law of the highest courts (including [BSG of 30.1.2019 - B 14 AS 24/18](#), marginal number 30). The results are then regularly more favourable than the gross rent guidelines from the AV-Wohnen (implementation ordinance – housing).

✓ **Our advice:** Due to the confusing legal situation, we advise you to seek legal advice before suing because your housing needs were reduced by the Jobcenters.

3.4 What else is important when it comes to housing?

a) Required moving - reasonable housing costs after moving

If you move as an Unemployment benefit II beneficiary, the Jobcenter will only pay the housing costs that are considered reasonable.

✓ **Our advice:** To ensure that the Jobcenter covers the housing costs for your new apartment, you should obtain the assurance of the responsible Jobcenter before signing the lease.

When renting a new apartment in Berlin, both values must be adhered to - apart from special cases: on the one hand, the referent value for the gross rent (excl. heating and hot water), plus ten percent in public housing construction, hardship allowance and climate bonus, if applicable, and on the other hand the limit value for heating costs, minus the flat rate for decentralised hot water preparation and the climate bonus taken into account, if applicable. The values for total expenditure do not apply to new rentals. An excessively high gross rent (excl. heating and hot water) cannot be compensated by low heating and hot water costs and vice versa.


Example: *The married couple G. receives unemployment benefit II and has to move due to the expiration of their temporary lease. The couple submits an offer to the Jobcenter for a flat in public housing (1st subsidy path). The gross rent (excl. heating and hot water) should be 540 Euros per month, the heating costs including centrally generated hot water (oil heating, building area 800 sqm) 60 euro. Will the Jobcenter give the assurance that it will pay the new rent?*

The gross rent (excl. heating and hot water) and the heating costs are to be checked separately for their appropriateness. The benchmark for the gross rent (excl. heating and hot water) and the limit for heating costs are given in Annex I in the table for oil in columns 2 and 4.

Step 1: The appropriate gross rent (excl. heating and hot water) is made up of the guideline value for the gross rent (excl. heating and hot water) of 515.45 euro (two-person shared housing) plus 51.55 euro (10 percent surcharge in social housing) and amounts to 567 euro. The new gross rent (excl. heating and hot water) is reasonable at 540 euro.

Step 2: The reasonable heating costs result from the limit for heating costs (oil heating, building area 501-1000 sqm) of 92.95 euro. The required advance payments for heating costs of 60 Euro per month are reasonable.

Result: The Jobcenter can give the assurance for the housing offer.

 **Please note:** When moving beyond the Berlin city limits, the regulations for the appropriateness of an apartment applicable at the place of move must be observed.

If a move within Berlin increases your housing costs, the move must also be "necessary". This means: You must have a comprehensible reason for the move, which would have been decisive for a person who does not receive any services from the Jobcenter. The reason could be, for example, separation from your spouse, or when you start a family or the reunification of a family. If the move is considered "not necessary" from the point of view of the Jobcenter, the Jobcenter will only pay the housing costs of your old apartment after the move. Under no circumstances may the Jobcenter stop payments for your apartment completely because you have moved to a more expensive apartment.

Good to know: The limitation of the housing costs in the case of an unnecessary move compared to the previous rent is not permitted in the case of a move to Berlin or a move from Berlin to another city ([BSG of 1.6.2010 - AS 60/09 R](#)).

If you move within Berlin, the Jobcenter from whose area you are moving is responsible for paying the new accommodation costs. If you move outside Berlin, the Jobcenter to whose area you are moving is responsible.

b) Allowance for new rentals due to existing or imminent homelessness

For people who are homeless or threatened with homelessness, an allowance of 20 percent on the reference value for the gross rent (excl. heating and hot water) is granted for new rentals if this is the only way to end or prevent housing in more cost-intensive facilities. This also applies to women threatened by domestic violence as well as women and refugees in shared housing. The allowance for new rentals can be combined with other allowances. Individual reference values always apply to persons who are dependent on an apartment suitable for the disabled.

If large families (communities in need of five or more persons) have not succeeded in finding suitable housing within six months despite an intensive search for housing with the help of the new rental supplement, the reference values for the gross rent (excl. heating and hot water) in individual cases can be exceeded by up to 50 percent (see [Rundschreiben Soz. Nr. 10/2019 vom 18. November 2019](#)) (circular Soz. No. 10/2019 of 18 November 2019). The prerequisite is that the rental of housing is more economical than accommodation and that the specialized agency for housing emergencies in the housing district agrees to the rental. What constitutes an "intensive search effort" is described in this chapter at the beginning of section 3.3.

c) Persons under 25 years of age move out from their parents' household

Under 25s who move from their parent's household to their own home without prior confirmation that the Jobcenter will bear the costs will not receive housing and heating benefits. As a rule, the consent is only given to them if, for serious reasons, they can no longer be referred to their parents' home. These include, for example, alcohol problems of parents or one parent. The confirmation of the cost assumption, on the other hand, must be given if the removal is necessary due to the commencement of work or training ([§ 22 Abs. 5 SGB II](#)) (Sect. 22 par. 5 Social Code II).

d) Payment of moving costs

The costs associated with a move (removal costs) *shall* be borne by the Jobcenter if the move is requested by the Jobcenter or if the move is necessary for other reasons. The costs must be covered if the costs for the new apartment are reasonable and the move - from the point of view of a self-payer - is made for understandable reasons. If one of these conditions is not met, it is at the discretion of the Jobcenter whether it will cover the moving costs.

A prerequisite for the Jobcentre to assume the moving costs is that the Jobcenter has agreed to assume the costs *beforehand*, i.e. before the new rental agreement was signed. If the *prior* consent is not obtained, in principle no removal costs are taken over ([§ 22 Abs. 6 SGB II](#)) (Sect. 22 par. 6 Social Code II).

In Berlin, the following removal costs are borne in particular (see [Nr. 8.2, 8.3 und 9 der AV-Wohnen](#)- (No. 8.2, 8.3 and 9 of the implementation order - housing)):

- in the case of a self-help removal, the costs for a rented vehicle including moving boxes and catering for assisting persons (30 euro per person for up to four persons),
- the cost of the removal by a removal company, if the removal is not possible in self-help, such as for single parents or because of age, disability or orthopedic reasons (a medical certificate is required for this),
- irrefutable double rent payments (usually for one month),
- reasonable costs for necessary renovations in the apartment if the renovation is owed under the lease during the rental term or upon moving and the rental conditions is invalid, e.g., because the deadline provisions are too inflexible. Renovations are generally done on your own account.
- the cost of renovating the new home, if the renovation establishes the standard of a lower-range home (for example, the purchase of a simple floor covering) and renovated housing is not offered,
- other relocation-related costs, such as the provision of a new telephone and Internet connection or a mail forwarding request, and
- the deposit up to the amount of three net rents (excl. all utilities) (also in case of subletting) as well as the costs for cooperative shares up to the amount of three total rents (incl. utilities), if they cannot be paid from the protected property or if they are paid from the previous rental. These benefits are generally provided on a loan basis only. In order to repay the interest-free loan, the Jobcenter retains every month ten percent of the standard allowance.

The Jobcenter, which was previously responsible for the removal costs within Berlin, has to give its consent that the removal costs will be covered. If you move from Berlin to another city, the new Jobcenter must guarantee the required rent deposit.

e) Membership in a tenants' association

The Jobcenter will pay the membership fees for membership in a tenants' association as a general rule for 2 years if it confirms a need for advice under tenancy law. A need for advice may arise, for example, in the event of rent defects (mould in the apartment), modernisation measures, flat terminations, rent increases or additional operating or heating costs demanded by the landlord or energy supplier. This applies in particular if there are doubts about their effectiveness under civil law.

You will then receive a certificate of cost assumption from the Jobcenter, which you must present to a [to an tenant organisation cooperating with the State of Berlin](#) (see [Nummer 10 der AV Wohnen](#) (No. 10 of the implementation order-housing)).

If you are already a member of one of the tenant organizations listed below, the membership fee can also be covered by the Jobcentre. The membership fee will then be reimbursed to you directly by the Jobcentre.

f) Rental and energy liabilities

As a rule, rent debts are to be taken over by the Job Centre as a loan if Alg II recipients find this "justified and necessary" to secure "adequate" housing and prevent homelessness, for example, if this is the only way to avert an eviction judgement or avoid an impending eviction. The same applies to energy debts if there is a threat of the electricity, water or heating supply being cut off due to payment arrears ([§ 22 Abs. 8 SGB II](#)) (Sect. 22 par. 8, Social Code II).

✓ **Our advice:** If you receive a reminder from your landlord about rent arrears or even a termination without notice, you should immediately go to an [independent counselling centre for people in need of housing](#) or the [public housing assistance in the social welfare offices](#). If you owe rent, the public housing support office in your district will be informed. In the case of energy debts, you can contact the [energy debt advisory service of](#) the consumer advice centre in Berlin.

Chapter 6 | How are recipients of unemployment benefit II and income support insured for health and long-term care?

If you receive unemployment benefit II, as a general rule you are compulsorily insured in the statutory health insurance ([§ 5 Abs. 1 Nr. 2a SGB V](#)) (Sect. 5 par. 1 No. 2a Social Code V) and the long-term care insurance ([§ 20 Abs. 1 Satz 2 No. 2a SGB XI](#)) (Sect. 20 par. 1 sentence 2 No. 2a Social Code XI). Children from the 15th birthday receive unemployment benefit II and become independent members of a statutory health insurance, which they can freely choose.

Contributions to statutory health and long-term care insurance for persons with statutory health insurance are borne solely by the Jobcenter and paid directly to the health insurance fund. This also applies to the individual additional contribution to the statutory health insurance.

For example, persons who receive unemployment benefit II as a loan or income support or persons who had a private health insurance before receiving unemployment benefit II are not subject to compulsory insurance in the statutory health insurance system (see below).

As a rule, children under the age of 15 and married persons entitled to income support are entitled to free family insurance ([§ 10 SGB V](#)) (Sect. 10 Social Code V). The application for family insurance must be submitted to the competent health insurance fund.

In addition, persons entitled to benefits who are not subject to compulsory insurance through unemployment benefit II are often entitled to a monthly "subsidy for health and long-term care insurance contributions" ([§ 26 SGB II](#)) (Sect. 26 Social Code II). The allowance is also available to persons who become in need of assistance solely due to their contributions to health or long-term care insurance.

Example: *Mrs. F. and her unemployed partner live in a marriage-like community. Ms. F. earns just enough as an employee that the partners are not in need of assistance. Since family insurance is not possible for Ms. F.'s partner, she must also pay for his health insurance. If the community at need becomes in need of assistance merely due to the payment of these contributions to the health insurance, they will receive a subsidy for the insurance contributions upon application. The subsidy is paid in the amount necessary to avoid the need for assistance.*

Subsidy for private health and long-term care insurants

Persons entitled to benefits who last had a private health insurance before receiving unemployment benefit II are exempt from the statutory health and long-term care insurance obligation while receiving unemployment benefit II ([§ 5 Abs. 5a SGB V](#)) (Sect. 5 par. 5a Social Code V). They are still required to take out health and long-term care insurance with a private insurance company ([§ 193 Abs. 3 VVG](#), [§ 23 SGB XI](#)) (Sect. 193 Insurance Contract Law, Sect. 23 Social Code XI).

The Jobcenters take into account as a need for *private health insurance* only the costs up to the amount of half the contribution in the so-called basic tariff ([§ 26 Abs. 1 Satz 1 und Abs. 2 Satz 1 Nummer 2 SGB II](#)) (Sect. 26 par. 1 and 2 sentence 1, sentence 1 no. 2 Social Code II). This corresponds to a maximum amount of 384.58 euro per month in 2022. The basic tariff is based on the scope of benefits

of the statutory health insurance. The amount of the contribution in the basic tariff is determined individually for each insured person and may not exceed the amount of 769.16 euro (half: 384.58 euro) per month in 2022.

Insurance companies are obliged to offer their members who are in need of assistance within the meaning of Social Code II or who become in need of assistance as a result of paying a health insurance premium in the basic tariff, half the premium in the basic tariff ([§ 152 Abs. 4 Versicherungsaufsichtsgesetz](#) (Sect. 152 par. 4 Insurance Supervision Act)). To prove your need of assistance, submit a confirmation from the Jobcenter to your insurer stating that you are in need of assistance without this halving.

A subsidy for private health insurance in the amount stated will be paid even if you do not switch to the basic tariff. However, if your current tariff is more favourable than half the contribution in the basic tariff, this will be the upper limit for the subsidy.

Good to know: If you have switched to the basic tariff after 15 March 2020 due to need for assistance - or in order to avoid need - you have the right to return to your original tariff without having to undergo another health check with the risk of a premium increase. The condition is that you overcome the need for assistance again within two years of switching to the basic tariff and notify the insurer in writing of your wish to return to the old tariff within a period of three months thereafter ([§ 204 Abs. 2 Versicherungsaufsichtsgesetz](#) (Sect. 204 par. 2 Insurance Supervision Act)).

Contributions to *private long-term care insurance* are covered by the Jobcenter up to half of the maximum amount in statutory long-term care insurance ([§ 26 Abs. 3 Satz 1, Abs. 4 Satz 1 Nummer 2 und Satz 2 SGB II](#)) (Sect. 26 par. 3 sentence 1, par. 4 sentence 1 no. 2 and sentence 2 Social Code II). This is up to 73.77 euro per month in 2022. Insurance companies may charge no more than a contribution in this amount if privately insured persons are covered by the basic tariff and their contribution has been reduced due to indigence [§ 110 Abs. 2 Satz 3 und Satz 4 SGB XI](#)) (Sect. 110 par. 2 (3) and (4) Social Code XI). However, if the tariff you are currently paying for private long-term care insurance is more favourable, this will form the upper limit for the subsidy.

Chapter 7 | What other expenses for living can be claimed?

In addition to unemployment benefit II and income support, you will also receive other subsistence benefits if the relevant conditions are met.

1. Education and participation (BuT)

Education and Participation Benefits (BuT) are intended to facilitate access to education for children, adolescents and young adults from families in need of help and to enable them to participate in social and cultural life in the community. As a rule, there is a claim to these benefits. Families with a low income are also entitled if they are entitled to help acc. to Social Code II solely because of the BuT needs.

Good to know: The BuT benefits are considered to be applied for as soon as you have submitted the application for Unemployment benefit II and social benefits. You then only need to submit the relevant documents and evidence during the period of approval, so that the BuT benefits are subsequently approved by the Jobcenter.

In Berlin, the implementing regulations on the granting of benefits for education and participation ([AV-BuT](#)) implement the legal regulations laid down in [§§ 28 bis 30 SGB II](#) (Sections 28-30 Social Code II).

1.1 Berlin Pass BuT (Berlin Passport for Education and Participation)

In most cases, your child needs the Berlin-Pass BuT to be able to make use of BuT services. In order to get your passport, it is sufficient to present a certificate of attendance at kindergarten / care contract for children's daycare or a school certificate / the student ID card to the Jobcenter. A passport photo of the child is not required but can be applied to the passport at the request of the beneficiaries. A passport photo of the child must then be attached to the application for benefits.

The Berlin-Pass BuT is usually valid for the duration of the unemployment benefit II grant period. It is extended when the benefit is granted again.

1.2 Services for education

The following benefits for education are granted to

- children attending a daycare centre or day nursery in general, and
- schoolchildren up to their 25th birthday who attend a general or vocational school and receive no training allowance.

a) Daycare or school trips for one day

- The parents or legal guardians present the Berlin-Pass BuT for the child at the daycare centre or school. The kindergarten or school then bears the costs for the trip and settles these with the youth welfare office or school office.
- Parents of children in day care initially bear the costs of the trip themselves. They present the proof of expenses confirmed by the carer to the Jobcenter and receive a cost refund.

For one-day trips, entrance and participation fees and travel expenses are eligible for reimbursement, but not food and pocket money.

b) Multi-daycare or multi-day class trips

- **For trips of the kindergarten or daycare**, you must confirm the planned trip (time period, destination, costs). The application for reimbursement of travel expenses is submitted to the Jobcenter along with the confirmation from the kindergarten/daycare. This cost confirmation must be subsequently submitted to the Jobcenter. The Jobcenter transfers the benefits to the daycare centre.
- **For school trips**, the responsible teacher at the school must confirm the details. The beneficiaries then submit the application to the Jobcenter. The money is transferred to the teacher's travel expense account.

For multi-day trips, in particular the costs of travel, accommodation, meals and joint events, but not pocket money, can be covered on presentation of the relevant supporting documents.

c) Personal school supplies

For pens, exercise books, watercolours or schoolbags, the Jobcenter provides 156 euro in 2022, of which 52 euro as of 1 February for the second half of the school year and 104 euro as of 1 August for the first half ([§ 28 Abs. 3 SGB II](#); [§ 34 Abs. 3 SGB XII](#)) (Sect. 28 par. 3 Social Code II; Sect. 34 par. 3 Social Code XII). The prerequisite is that your child must be attending school on the relevant key date and be entitled to benefits. The amounts are paid out to the beneficiaries.

The school package is also available to children entitled to benefits if they are admitted to a school for the first time or again after the start of the school year.

The benefits for personal school supplies will be adjusted annually in line with the increase in regular needs.

d) Lunch at kindergarten, daycare and school

For children, adolescents and young adults entitled to benefits, communal lunch meals at school, after-school care, day care centre or kindergarten are free of charge if they are offered there and the child participates. As the *communal* character of the event is important, there is no cost coverage for individual purchases of food and beverages.

As proof of entitlement, the Berlin Pass BuT must be presented at the kindergarten (for kindergarten children), at the youth welfare office (for children in day care) or at the provider of the lunch (caterer) at the school.

👉 **Please note:** As a voluntary service, the state of Berlin provides school meals free of charge for all children in the first six grades. In this case, the Jobcenter does not cover the costs of the communal lunch.

e) Necessary learning assistance

Schoolchildren with a Berlin-Pass BuT receive extra tuition or homework assistance in addition to school lessons if essential learning goals cannot otherwise be achieved, for example, graduation, transition to the upper secondary school or the acquisition of sufficient individual language skills. In order to receive learning assistance, it is not necessary that your child's transfer to the next grade is at risk.

Affected schoolchildren present the Berlin-Pass BuT at school. The school must confirm the need on a respective form. The completed form must be presented to the Jobcenter.

Up to two double lessons per week are financed, usually in small groups. Learning support is also possible during school holidays. If necessary, payment is made directly by the school or the education authority to those who provide the learning assistance. You do not have to pay anything yourself.

👉 **Please note:** Until now, the necessary learning assistance had to be applied for *separately* before it could be claimed [§ 37 Abs. 1 Satz 2 SGB II](#) (Sect 37 para. 1 sentence 2 Social Code II). In order to facilitate pupils' access to learning support during and after the Corona pandemic, a separate application is temporarily not necessary to receive learning support in the period from 1 July 2021 to 31 December 2023. The application for learning support is included in the application for benefits to secure subsistence during this period ([§ 71 Abs. 1 SGB II](#)) (Sect. 71 para. 1 Social Code II).

f) School transport

The state of Berlin grants all Berlin citizens

- Schoolchildren with student ID card I (general education schools and vocational schools with full-time education in the AB fare zone),
- Children from 6 years of age who are not yet in school, and
- Children and young people without a school place allocation, but who are obliged to attend school,

the free student ticket for the fare zone AB.

The personal ticket is issued as a chip card "fahrCard". It can only be ordered online at www.BVG.de/schuelerticket. To do so, you must upload a photo and the child's student ID card I, among other things. The "fahrCard" will then be sent to you by mail. The "fahrCard" entitles you to take a bicycle with you free of charge.

All other Berlin schoolchildren can have their actual expenses for school transportation reimbursed within the framework of the services for education and participation. As a rule, they can use the Berlin ticket S, which is offered by BVG and S-Bahn at a monthly price of 27.50 euro for the AB fare zone. You can find out more about the Berlin ticket S in Chapter 18 in section 4 – Berlin-Pass and more.

The Jobcenters also have to cover higher costs for school transportation, for example for a subscription in the fare zone ABC, if this is necessary to reach school. Please present a school certificate and the ticket to your responsible Jobcenter.

There is a legal entitlement to cover the costs for school transportation within the scope of the BuT services if the distance on foot is unreasonably long for attending the nearest school of the chosen educational program and the students/schoolchildren therefore use public transportation. As a rule, an actual walking distance (not as the crow flies) of up to two kilometres to school is considered reasonable. In individual cases, however, shorter distances to school may also be unreasonable, for example if schoolchildren have problems reaching school safely on foot due to health or disability restrictions.

The Jobcenter may also have to bear the costs of transporting schoolchildren if your child does not attend the "nearest school" but a more distant school of the chosen course. This is the case if the school attended has an independent profile with a special focus on content. This includes, for example, a special educational orientation or an ideological or denominational character.

1.3 Benefits for participation

Children and adolescents up to their 18th birthday receive the following participation benefits:

a) Participation in joint cultural, sporting and leisure activities

For children and adolescents up to the age of 18, expenses for membership in sports, games, culture and conviviality clubs, for music lessons, comparable

courses or activities in cultural education and participation in leisure activities are covered. The costs for the [Superferienpass](#) ("Super Holiday Card") are also covered if it is issued directly by the Youth Culture Service. The focus is on common experience.

The amount of the support is a *lump sum* of 15 euro per month per child, regardless of the actual costs. It is assumed that the child takes part in one of the activities mentioned above and that costs are incurred for this reason. The amount for the approval period, i. e. a maximum of 180 euro, can be paid in one sum, for example to take part in a leisure activity. The provider gives the children or young people proof of the type of offer and the costs. Those entitled to benefits then submit this to the Jobcenter and the benefit is paid out to their account. There is a claim to this benefit.

b) Purchase of equipment

Further expenditure *may be assumed if they are related to* participation in eligible cultural, sporting and recreational activities. This includes the purchase of necessary equipment (e. g. football boots) or rental fees.

The available budget is up to 180 euro per year, i. e. 15 euro per month for one Unemployment benefit II approval year. The amount of 2.50 euro is taken into account as own contribution for each month in the approval period, i. e. 30 euro in an approval period of one year. If the lump sum of 15 euros for participation in activities (see a) is not used up, the unused part of this funding is additionally credited as own contribution.

The subsidy amount to buy equipment can be paid to the beneficiaries after deduction of the own contribution in one sum or divided into different amounts for the entire approval period - usually subsequently. The costs shall be borne upon presentation of invoices or receipts. Several different purchases of up to 180 euro can be made. The benefits shall also be granted if the total costs exceed the amount available in the respective approval period.

c) Assumption of travel costs

In addition, there is a *legal claim* to the assumption of travel costs for the participation offer ([Beschluss des BVerfG vom 23.7.2014](#)) (Decision of the Federal Constitutional Court of 23.7.2014, marginal number 132). For schoolchildren, the need for travel to the participation offer is already covered by the free school transportation. In other cases (especially for non-schoolchildren), the travel costs described in section 1.2 f) are to be covered as participation costs.

For activities outside of the ABC fare zone, there is a monthly entitlement to a subsidy for travel costs of up to 15 euro, which can be paid monthly or in one sum within the approval period. In this case, the AV-BuT may provide for a financial contribution by the persons entitled to benefits. A personal contribution is not required if the 15 euro lump sum for participation in community activities (see Section 1.3 a) has been fully used by the beneficiary.

2. One-off benefits

In addition to the current need for subsistence, basic income support for jobseekers also takes into account one-off needs.

👉 **Please note:** You must always apply for the one-off benefits *separately*. You must submit the application before you make the purchase ([§ 37 SGB II](#)) (Sect. 37 Social Code II).

Beneficiaries are entitled according to [§ 24 Abs. 3 SGB II](#) (Sect. 24 par. 3 Social Code II) to

- the initial equipment for the apartment, including household appliances,
- the initial outfitting for clothing and the initial outfitting for pregnancy and childbirth, and
- the purchase and repair of orthopaedic footwear, repair of therapeutic devices and equipment, including the hire of therapeutic equipment.

According to the explanatory memorandum of the legislator, there is a need for "initial equipment/outfitting" when the need arises for the first time or at least due to exceptional circumstances. It must be distinguished from the replacement need for existing items (see this chapter in section 2.4 - Loans for irrefutable needs - in this Chapter).

Good to know: Benefits for the above-mentioned needs are also paid to persons whose income exceeds the unemployment benefit II level, but who are unable to make major purchases from their own income or assets, for example on the occasion of the birth of a child. In this case, the income *may* be taken into account in the period of up to six months following the decision on the application.

The one-off benefits according to Sect. 24 par. 3 Social Code II are regulated in Berlin in the [Rundschreiben Soz Nr. 06/2017 zur Umsetzung des § 24 Abs. 3 Nr. 1 und 2 SGB II und §§ 31 Absatz 1 Nr. 1 bis 3 und 27b Abs. 2 SGB XII](#) (circular Soz No. 06/2017 for the implementation of Sect. 24 par. 3 No. 1 and 2 Social Code II and Sect.s 31 par. 1 No. 1 to 3 and 27b par. 2 Social Code XII). Most benefits are granted at a lump sum.

2.1 Initial equipment for the apartment

Benefits for the initial equipment of the apartment are granted in Berlin in the following situations, among others:

- when moving into an apartment for the first time, for example a young adult who moves out of the parents' apartment after prior consent by the Jobcenter,
- if you move into a new apartment after an apartment fire, after a prolonged detention or from a subletting relationship, or
- if you move into a new home after separation from your spouse or partner.

The need for the initial equipment of the apartment can refer to equipment for a complete apartment or to individual items. The purchase of the following items may be considered, for example: Washing machine, refrigerator, vacuum cleaner, radio (not television), cupboards, tables, chairs, beds, carpet, curtains and so on. The specific need must always be proven.

There is only a right to a simple "standard" equipment. Benefits can be granted in the form of cash or non-cash benefits, for example vouchers for furniture storage. The scope of cash benefits is set out in the above-mentioned circular and in [Anlage 1 zum Rundschreiben](#) (annex 1 to the circular).

2.2 Initial items for clothing and during pregnancy and childbirth

In special situations, e.g. after an apartment fire, homelessness or a severe weight loss due to illness, the Jobcenter provides benefits for the initial provision for clothing ([Erstausstattung mit Bekleidung](#)). The initial provision is also granted to persons who have not been granted any or only a proportion of clothing assistance by the State Office for Refugee Matters (LAF) before their entitlement to asylum was recognised.

The benefits are often granted in the form of a lump sum for summer clothing and a lump sum for winter clothing. The total lump sum is between 356 and 379 euro, depending on the age of the person.

Pregnant women and mothers currently receive the following lump sums:

- for pregnancy clothing 219 euro,
- for the first baby outfit 361euro,
- for a pram with mattress 100 euro,
- for a child's bed with mattress 100 euro and
- 20 euro for a highchair.

✓ **Our advice:** Pregnant women and families *can* receive benefits from the "[Stiftung Hilfe für die Familie](#)" (foundation to help families) in addition to unemployment benefit II and income support. Ask for more information at the [counselling centres for pregnant women](#) and [families](#) mentioned here.

2.3 Orthopaedic shoes and therapeutic equipment

The above-mentioned benefits for orthopedic shoes as well as therapeutic devices and equipment are to be borne primarily by the health insurance fund, the nursing care insurance fund or the rehabilitation institution. The entitlement to benefits shall then be limited to the own contribution to be paid by the beneficiary.

Good to know: The repair of therapeutic devices also includes the repair of spectacles according to supreme court rulings (see decision of BSG of 25.10.2017 – B 14 AS 4/17 R).

2.4 Loans for irrefutable needs

Additional one-off needs to ensure subsistence may have to be assumed *as loans* (§ 24 Abs. 1 SGB II) (Sect. 24 par. 1 Social Code II). Only one-off needs can be considered, which

- are already included in the standard allowance, but because of their scope overstretch the performance of the beneficiaries and
- are irrefutable.

"Irrefutable" is an additional allowance if it must be covered without delay and its volume does not allow to be covered by savings elsewhere in the lifestyle. Before a loan is granted, applicants must use their savings capacity.

Typical examples of one-off needs in this sense are the replacement or repair of electrical appliances, such as washing machines or refrigerators, or the purchase of spectacles prescribed by a doctor in the lower price range. It does not include the purchase or repair of a motor vehicle as these needs are not part of the standard allowances. The benefits may be granted in cash or in kind.

The repayment of the interest-free loan starts after the month of its disbursement. Ten percent of the standard allowance are retained monthly by the Jobcenter until the loan is repaid.

If, exceptionally, support in the form of a loan is not reasonable or if the additional need is not covered by the standard need, additional needs may be considered (see Chapter 5 in section 2.5 - Irrefutable special needs).

Chapter 8 | Integration into work - What do you have to do? What does the Jobcenter do?

If you are fit for work, the Jobcenter will require you to work in order to earn a living ([§ 2 SGB II](#)) (Sect. 2 Social Code II). The Jobcenter should support you in taking up a job or training by providing advice and necessary support measures, so-called integration services ([§ 14 SGB II](#)) (Sect. 14 Social Code II).

1. What kind of work is reasonable?

In principle, almost any work or support measure is reasonable ([§ 10 SGB II](#)) (Sect. 10 Social Code II). You may also be required to take up or continue temporary work, mini-jobs up to 450 euro a month, fixed-term employment contracts or casual work.

A work or employment measure is, for instance, *unreasonable* under the following conditions:

- You are physically, mentally or intellectually incapable of carrying out the work or the measure. A doctor's certificate is usually required as proof. The Jobcenter can have your health checked by the public health officer.
- You are looking after your child under the age of three or that of your partner in your own household and the child is not placed in a daycare centre or with a childminder. Important: Only *one* partner in the household may refer to the upbringing of the child and is therefore released from work. The partners can independently choose who is taking over childcare.

From the child's 3rd birthday onwards, you are generally required to take up a suitable place of care for your child so that you can work, if necessary also part-time. The extent of reasonable work must be clarified with you individually and may be limited, for example, by the fact that your child has increased care needs due to health restrictions or a disability.

- The care of a relative cannot be ensured in any other way, for example by a care service

To which extent an employment can still be expected from you depends in particular from the care efforts. For care levels 2 and 3, up to 6 hours of work per day are generally considered reasonable for the caregiver. With care levels 4 and 5, employment is no longer reasonable. The decisive factor is always the individual case.

- You have another important reason. For example, you attend a general school or a vocational preparation course or are currently completing your initial training or are doing a youth or federal voluntary service. For example, dependent employment is also unreasonable if the remuneration violates a law, such as the Minimum Wage Act.

2. What is an integration agreement?

In the integration agreement, you and the Jobcenter determine,

- the minimum number of job applications or other efforts you must make and how you can demonstrate your activities, and
- what kind of services the Jobcenter provides to place you in work or training ([§ 15 SGB II](#)) (Sect. 15 Social Code II).

If an agreement is reached, both parties are bound by what has been agreed. If you violate the agreement, you may risk sanctions (see Chapter 12 - When do you risk sanctions and to what extent do they apply?). The agreement must be reviewed and updated *jointly by the* two parties at the latest after six mon.

✓ **Our advice:** You do not need to sign the Integration Agreement if you do not agree with the content. The Jobcenter cannot therefore impose a sanction. Therefore: Check whether the agreement meets your needs. You can take the agreement home with you and ask for time to think it over. You can also propose corrections or additions that you think are useful.

If no agreement is reached, the Jobcenter shall unilaterally determine the integration efforts that you must make by means of an administrative act. You can lodge an appeal against such a decision. However, the obligations arising from the administrative act shall continue to apply for the time being. You should strictly adhere to them, otherwise you are at risk to get sanctions. You can also file an appeal to the social court to achieve a suspensive effect.

3. What benefits does the Jobcenter provide for starting work?

"Benefits for integration into work" *can be* granted to employable beneficiaries if the benefits are necessary and suitable to eliminate or reduce their need for assistance ([§ 3 par. 1 SGB II](#)) (Sect. 3 par. 1 Social Code II).

According to case law, the application for unemployment benefit II does not yet include an application for integration benefits ([BSG vom 2.4.2014 - B 4 AS 29/13 R](#), margin number 27) - they must therefore be applied for separately.

Support is provided at the earliest from the day of application. A retroactive effect to the first day of the month - as in the case of an application for benefits to secure subsistence - is excluded ([§ 37 Abs. 2 SGB II](#)) (Sect. 37 par. 2 Social Code II).

👉 **Please note:** Apply, for instance, for payment of application costs or travel expenses to a job interview at your Jobcenter *before the* respective costs are incurred. A late application will result in benefits not being granted before the date of the application.

Almost without exception, benefits for integration into employment are discretionary benefits. The Jobcenter's job placement service has the freedom to decide whether and to what extent you will be supported. Discretion does not mean arbitrariness. Discretion must be exercised in an issue-related manner. A discretionary error can occur, for example, if the Jobcenter does not exercise a discretion where it is prescribed by law, or is guided in its decision by irrelevant aspects or starts from an incorrect or incomplete set of facts.

✓ **Our advice:** In order to receive further training, for example, you must convince your employment agency why, in your opinion, the desired measure is necessary and suitable for obtaining employment. Try to prove this with job advertisements or articles from trade journals.

🔴 **Please note:** If you top up your unemployment benefit with unemployment benefit II, it is not the Jobcenter but the employment agency that is responsible for your placement and promotion.

The integration services include, for example:

- Benefits from the placement budget ([§ 44 SGB III](#)) (Sect. 44 Social Code III), such as the assumption of the costs for job applications, travel to interviews or double budgeting when taking up work abroad,
- Measures for activation and vocational integration ([§ 45 SGB III](#)) (Sect. 45 Social Code III) e.g. application training, internships, assumption of costs for private employment agencies and smaller qualifications, e.g. a forklift driving licence,
- Continuing vocational training and retraining measures ([§§ 81-87 SGB III](#)) (Sect. 81-87 Social Code III),
- Integration allowances ([§§ 88-92 SGB III](#)) (Sect. 88-92 Social Code III) paid to employers for hiring an unemployed person,
- A start-up money to set up a business for start-ups and for persons taking up employment subject to social insurance contributions, if the support is necessary for integration into working life ([§ 16b SGB II](#)) (Sect. 16b Social Code II); there is regularly a lack of necessity if the application for support is submitted only after the conclusion of the employment contract or the start of the activity,
- an accompanying coaching and loan or subsidies for equipment and material to start-ups and those already self-employed ([§ 16c SGB II](#)) ((Sect. 16c Social Code III),
- The promotion of employment relationships for the "integration of the long-term unemployed" for persons who have been unemployed for at least two years ([§ 16e SGB II](#)) (Sect. 16e Social Code II),
- The promotion of employment ("participation in the labour market") for persons who are at least 25 years old and who have generally received unemployment benefit II for six years in the last seven years ([§ 16i SGB II](#)) ((Sect. 16i Social Code II),


- Job opportunities ("one-euro jobs") with an expense allowance of 2.00 euro per hour worked ([§ 16d SGB II](#)) (Sect. 16d Social Code II).

The start of a job *can* be supported by care services for underage or disabled children, debt or addiction counselling or psychological and social support ([§ 16a SGB II](#)) (Sect. 16a Social Code II). In order to reduce or eliminate obstacles to the integration of persons eligible for benefits who are capable of working, persons eligible for income support may also be supported ([§ 7 Abs. 2 Satz 2 SGB II](#)) (Sect. 7 par. 2 sentence 2 Social Code II).

Solidary citizens' income

Within the framework of the [Pilotprojekts „Solidarisches Grundeinkommen“](#) (pilot project "Solidary citizens' income" (SGE)), the State of Berlin is financing a total of 1,000 employment relationships, usually fully subject to social insurance contributions, for additional activities that are in the public interest of the State of Berlin. The target group are Unemployment benefit II beneficiaries in Berlin who have been unemployed for at least one year and no longer than three years and whose placement in the general labour market is not possible. Access is also open to persons who cannot prove that they have been unemployed for the time required due to special circumstances, for example homeless persons.

The federal state will pay the wage costs of SGE employees for a maximum of five years. If there is no transition to the general labour market during this period, the State of Berlin may continue to employ them indefinitely. The legal basis is the administrative regulation of 2 July 2019 (Official Gazette for Berlin, p. 4270ff.). In the meantime, the funding options in the pilot project SGE have been exhausted ([Pressemitteilung der Senatsverwaltung für Integration, Arbeit und Soziales vom 27. November 2020](#)) (press release of the Senate Department for Integration, Labour and Social Affairs of 27 November 2020).

 **Please note:** You can also find out interesting facts about the support services provided by the Jobcenters in our flyers

- [Wie die Jobcenter die Arbeitsaufnahme fördern können](#), (How the Jobcentre can promote employment),
- [Förderung beruflicher Weiterbildung durch das Jobcenter](#) (Promotion of further vocational training by the Jobcenter) and
- [Von 'Anlage EKS' bis 'Zuschuss für Sachgüter' - Info zu Selbstständigkeit und Arbeitslosengeld II in Berlin](#) (Info on self-employment and unemployment benefit II in Berlin).

4. What does the Jobcenter offer to foster German language skills?

According to [§ 3 Abs. 2a SGB II](#) (Sect. 3 par. 2a Social Code II) the Jobcenters must work towards ensuring that employable benefit recipients who do not have sufficient knowledge of the German language acquire the language skills necessary for placement in employment. For this purpose, the Jobcenters make use of the support offered by the [Bundesamt für Migration und Flüchtlinge](#) (Federal Office for Migration and Refugees (BAMF) for learning the German language.

These are, above all:

- the integration courses according to [§ 43 AufenthG](#) (Sect. 43 Residence Act) for general language learning, and
- the language support in vocational training/at work according to [§ 45a AufenthG](#) (Sect. 45a Residence Act).

The target groups for language support may be EU citizens, third-country nationals, ethnic German immigrants from Eastern Europe or Germans with a migration background.

If the prerequisites for participation in the respective language promotion measure are met, persons without sufficient knowledge of German are obliged to enrol at a course provider by concluding an integration agreement or an integration administration act and to participate in the measure after acceptance. There is no obligation to participate if there is already an obligation on the part of the Foreigners' Registration Office.

Chapter 9 | How are incomes taken into account?

Income is revenue that you receive while you are entitled to unemployment benefit II and income support. Whether and to what extent income may be credited to benefits is regulated in Sections 11-11b Social Code II and in the Unemployment benefit II/Income Support Ordinance (Alg II-V).

1. Which incomes are taken into account and which are not?

All income in money is taken into account as revenue. Eligible incomes include, but are not limited to, income from gainful employment, interest and dividends, unemployment benefit, sickness benefit, child benefit, parental benefit, maintenance, most pensions, rental and leasing income, tax refunds, donations and inheritances if the succession (death of the testator) occurred after the application was submitted.

Benefits that have a monetary value but are not cash money - so-called benefits in kind - are not to be considered as income but as benefits in kind. Exception: you are entitled to benefits in kind for gainful employment or voluntary service.

Example: *An employer provides meals for its employees during working hours.*

The crediting of catering/meal services as income is based on lump sums. Other monetary benefits provided by the employer are taken into account at their market value ([§ 2 Abs. 5 Alg II-V](#)) (Unemployment benefit II/Income Support Ordinance).

Free income

Income that is not considered income is, for example:


- Basic pensions under the Federal Pensions Act and basic pensions paid in accordance with this Act, for example for victims of vaccination, violence or political prisoners,
- Benefits provided by the foundations [Mutter und Kind – Schutz des ungeborenen Lebens](#) ("Mother and child - Protection of the unborn") and [Hilfe für die Familie](#) ("Help for the family"),
- Allowance for the blind according to the state allowance for the blind laws, as well as allowance for hearing-impaired persons,
- Care allowance from the statutory long-time care insurance for the care of relatives ([§ 1 Abs. 1 Nr. 4 Alg II-V](#)) (Unemployment benefit II/Income Support Ordinance),
- 75 per cent of the care allowance for the educational use in full-time care for the first and second foster child and for the third child ([§ 11a Abs. 3 Satz 2 SGB II](#)) (Social Code 11a par. 3 sentence 2 Social Code II),
- Compensation for pain and suffering according to [§ 253 Bürgerliches Gesetzbuch](#) (Sect. 253 the German Civil Code),
- Monetary gifts to minors on the occasion of confirmation, communion, or comparable religious celebrations as well as on the occasion of the *Jugendweihe* (ceremony in which teenagers are given adult social status) up to an amount of 3,100 euro ([§ 1 Abs. 1 Nr. 12 Alg II-V](#)) (Unemployment benefit II/Income Support Ordinance),
- Income of up to 2,400 euro per calendar year from the gainful employment of schoolchildren under 25 years of age at general or vocational schools if they work during school holidays. Schoolchildren entitled to training allowance are excluded from this regulation ([§ 1 Abs. 4 ALG II-V](#)) (Unemployment benefit II/Income Support Ordinance),
- Child allowance which is demonstrably passed on to the child of the person in need of assistance who does not live in the household ([§ 1 Abs. 1 Nr. 8 ALG II-V](#)) (Unemployment benefit II/Income Support Ordinance),
- Expense allowances acc. to [§ 1835a BGB](#) (Sect. 1835a German Civil Code) granted up to 3,000 euro per calendar year for persons, who work on a voluntary basis as legal guardians, custodians or caretakers ([§ 11a Abs. 1 Nr. 4 SGB II](#)) (Sect. 11a par.1 No. 4 Social Code II),
- Income according to statutory provisions which serve a purpose other than unemployment benefit II (e. g. employee savings allowance, housing premium) ([§ 11a Abs. 3 Satz 1 SGB II](#)) (Sect. 11a par. 3 sentence 1 Social Code II),
- Childcare supplement for BAföG recipients according to [§ 14b BAföG](#), (Sect. 14b, Student Loan Act),

- Seized income if the seizure cannot or cannot easily be reversed for legal reasons, so that no ready means are available to cover needs [BSG vom 10.5.2011 – B 4 KG 1/10 R](#), Randnummer 19) (Federal Social Court of 10.5.2011 - B 4 KG 1/10 R, margin no. 1).

* Please note special regulations on the crediting of Corona economic assistance (for example, [Neustarthilfe](#) or [Überbrückungshilfe](#)) (restart assistance or bridging assistance) in our online information "What currently applies when I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance?

As a rule, loans are also excluded, for example a student loan from KfW-Bank. However, social benefits granted as loans for subsistence purposes shall be taken into account.

Example: A student receives benefits according to BAföG with a loan portion.

 **Please note:** In individual cases, the Jobcenter checks whether the receipt of money is actually a loan and not a creditable gift (agency that is responsible for your placement and promotion).

✓ **Our advice:** If you borrow money from acquaintances or relatives during a period in which you claim benefits, it must be credible that you want to repay the loan. A loan agreement should contain a concrete repayment date or a repayment procedure. If you have already repaid a similar loan in the past or started to repay the current loan, this proves your credibility.

Different types of income and recurring and non-recurring income

If income is to be taken into account, a distinction is made between income from employment, income from self-employment and "effortless" income. You will learn more about this in the following sections of this chapter.

In addition, the regulations for recurring and non-recurring income must be observed.

The so-called monthly principle applies to monthly recurring current income, for example wages or salaries, unemployment benefits, parental allowance, pensions or child benefits. Current income is set off against the need in the calendar month in which it is received. This also applies if, for example, they are only credited to the account on the last day of the month ([§ 11 Abs. 2 SGB II](#)) (Sect. 11 par. 2 Social Code II).

One-time or occasionally recurring income, for example, tax refunds, severance pay, vacation or Christmas bonus, but also subsequent wage or salary payments or subsequent payments of current social benefits are either credited to the need in the month of receipt, possibly also in the following month, or distributed over six months ([§ 11 Abs. 3 SGB II](#)) (Sect. 11 par. 3 Social Code II) (more on this in section 5 - Non-recurring income - in this chapter).

2. Income from gainful employment


In order to be able to calculate the income to be taken into account, the Jobcenter requires an [Einkommensbescheinigung](#) ("income statement") from the employer on the monthly gross and net salary/wage of the employee. The following have already been deducted from the net amount

- income tax, the solidarity allowance and
- compulsory contributions to statutory health, long-term care, pension and unemployment insurance, insofar as they actually accrue ([§ 11b Abs. 1 SGB II](#)) (Sect. 11b par. 1 Social Code II).

From the net wage/salary of each employable person in the community at need, the following are then deducted

- the basic lump sum for employed persons of 100 euro, and
- the allowance for gainfully employed persons if the gross salary exceeds 100 euro, ([§ 11b Abs. 2 Satz 1 und Abs. 3 SGB II](#)) (Sect. 11b par. 1 (1) and par. 3 Social Code II).

The lump sum and the exempt amount make sure that beneficiaries of unemployment benefit II have more money available than without employment.

 **Please note:** The 100-euro basic lump sum for employed persons and the allowance for gainfully employed persons apply only to persons entitled to unemployment benefit II, not to persons entitled to income support (see Chapter 3 in section 2 "Who receives unemployment benefit II, who income support?"). Exception: Children under the age of 15 can also earn 100 euro per month without deductions ([§ 1 Abs. 1 Nr. 9 Alg II-V](#)) (Unemployment benefit II/Income Support Ordinance).

Good to know: In order not to disadvantage 15-year-old or older persons entitled to income support, they are granted - as is the law for recipients of social assistance - an allowance amounting to 30 percent of their earned income, limited to 50 percent of the standard needs level 1 (2022: 224.50 euros) ([BSG vom 24.11.2011 – B 14 AS 201/10 R](#)) (Federal Social Court of 24.11.2011).

If necessary, you can make further deductions.

This applies, for example, to statutory maintenance obligations which you have fulfilled and which are laid down in a maintenance title or a notarised deed, or to parts of your income which have already been taken into account when calculating BAföG benefits or the vocational training allowance for your children in accordance with Social Code III.

If you are not subject to statutory insurance in the statutory health insurance scheme, your expenses for health and long-term care insurance may be deducted from your income *in individual cases*, provided they are reasonable [§ 11b Abs. 1 Satz 1 Nr. 3a SGB II](#) (Sect. 11b para. 1 (1) no. 3a Social Code II). However, in the case of voluntarily and privately insured persons - according to the instructions of the Federal Employment Agency - the granting of subsidies for health insurance contributions according to [§ 26 SGB II](#) (Sect. 26 Social Code II) has priority over the deduction of these contributions from income. You can find out more about the topics "statutory insurance while receiving benefits" and "subsidies for insurance contributions" in Chapter 6 "How are recipients of Alg II and social benefits insured for health and long-term care?"

If you are exempt from statutory pension insurance, your expenses for old-age provision (e.g. for life insurance) are to be deducted from your income, as far as they are reasonable ([§ 11b Abs. 1 Satz 1 Nr. 3b SGB II](#) (Sect. 11b, para. 1 (1), no. 3b, Social Code II)). Exemption from insurance, as is often the case with self-employed persons, is not sufficient for this. Rather, this refers, for example, to persons who are insured in independent pension schemes (such as for architects or lawyers) and for this reason have been exempted from the statutory pension insurance obligation.

According to the instructions of the Federal Employment Agency, the aforementioned health and pension contributions are not part of the 100-euro basic lump sum and can be deducted additionally.

100-euro basic lump sum

The monthly basic lump sum of 100 euro replaces the typical expenses of gainfully employed persons and summarises them in a lump sum deduction ([§ 11b Abs. 2 Satz 1 SGB II](#)) (Sect. 11b par. 2 sentence 1 Social Code II). Income from employment of up to 100 euro per month is therefore always exempt. If a person has more than one earned income at the same time, the lump sum must be taken into account only once a month. Income from gainful employment also includes the income listed in the section "Employment allowance".

The basic lump sum includes the following, among others

- Premiums for statutory insurance, in particular for motor vehicle liability insurance (one twelfth of an annual premium per month), but not for partial or fully comprehensive insurance,
- A monthly 30-euro insurance lump sum which covers all voluntary insurance, even if no insurance has actually been concluded; it normally applies only to beneficiaries of full age,
- Contributions to the "Riester pension scheme" at a lump sum of three percent of gross income (the percentage is halved for families with one child entitled to allowances in the household, the value drops to zero for two children entitled to allowances), but at least five euro per month, and

- Advertising costs, e.g. for trips to work (0.20 euro per distance kilometre when using a motor vehicle, within Berlin as a rule no more than the rate for a social ticket for the BVG and S-Bahn), work equipment, work clothing, trade union dues for employees or similar.

✓ **Our advice:** If your gross monthly wage is more than 400 euro, you may receive a higher basic lump sum than 100 euro. In addition, your expenses, which are replaced by the lump sum, must exceed 100 euro per month ([§ 11b Abs. 2 Satz 2 SGB II](#)) (Sect. 11b par. 2 sentence 2 Social Code II). If, for example, you have high monthly costs for travelling to work outside of Berlin or because of a job-related double household management that is higher than 100 euro, you should point this out to the Jobcenter.

Tax exempt amount for gainfully employed persons

In addition to the basic lump sum of 100 euro for employed persons, you will receive a tax exempt amount for gainfully employed persons for a monthly gross wage of more than 100 euro ([§ 11b Abs. 3 SGB II](#)) (Sect. 11b par. 3 Social Code II), namely in the amount of

- 20 percent for the part of the gross salary/wage that exceeds 100 euro but does not exceed 1,000 euro, and
- 10 percent for the part of the gross salary/wage exceeding 1,000 euro and not exceeding 1,200 euro. If you have at least one minor child, the tax exempt amount is calculated on a gross income of up to 1,500 euro.

Income from gainful employment also includes, for example, the following

- continuation of salary payments by the employer in the event of illness, but not sick pay from health insurance,
- income from self-employed or freelance activities,
- training allowances,
- short-time allowance,
- insolvency allowance and
- income from certain voluntary work (for more information, see Section 2.1 Higher basic lump sum for voluntary work).

Federal and youth voluntary services are not considered gainful employment. Therefore, no gainful employment allowance can be deducted from the income from these services - apart from the pocket money lump sum of 250 euro per month.

The net earned income from gainful employment adjusted this way will be deducted from your need.

Example: Ms. A. lives with her unemployed husband in a Berlin apartment with a monthly rent (incl. heating and hot water) of 552 euro. Children no longer live in the household. As an employee, she earns 1,630 euro gross income per month, which corresponds to about 1,300 euro after deductions in tax class III. No other income or assets are available. How is unemployment benefit II calculated?

The couple's monthly needs consist of the standard allowance of the two partners of 404 euro each and the gross rent of 552 euro, totaling to 1,360 euro.

The eligible income is determined as follows:

Monthly net income 1,300,00 euro

less

- Basic lump sum 100,00 euro*
- Tax exempt amount for gainfully employed persons 180.00 euro
(20 percent from 100 to 1,000 euro gross income)*
- Tax exempt amount for gainfully employed persons 20.00 euro
(10 percent from 1,000 to 1,200 euro gross income)*

= creditable income 1000,00 euro.

The monthly unemployment benefit II results from the need of 1,360 euro less the income to be taken into account of 1,000 euro and amounts to 360 euro.

2.1. Higher basic lump sum for voluntary work

If you receive a salary, fee or other income from a secondary occupation that is tax-exempt according [§ 3 Nummer 12, 26 and 26a Einkommensteuergesetz](#) (Sect. 3 number 12, 26 and 26a Income Tax Act) (EStG), you are entitled to an imputation-free basic monthly lump sum of up to 250 euros instead of the 100 euro basic lump sum for gainfully employed persons ([§ 11b Abs. 2 Satz 3 SGB II](#)) (Sect. 11b par. 2 sentence 3 Social Code II).

Beneficiaries are activities for which, for example, the "coach/trainer allowance" or the "voluntary work allowance" can be claimed. For example, part-time activities as a coach or trainer in a non-profit sports club, as a part-time lecturer at an adult education centre, as a part-time teacher at a school or as an election worker. Part-time activities are activities that do not exceed one third of a full-time position.

According to the instructions of the Federal Employment Agency, the above-mentioned voluntary activities are gainful employment within the meaning of [§ 11b Abs. 3 SGB II](#) (Sect. 11b (3) Social Code II). Therefore, in addition to the monthly basic allowance of up to 250 euros, an employment allowance must also be deducted from the income from gainful employment that exceeds 100 euros per month.

Example: *The husband of Ms. A. (see above) can teach for a few months as an employed trainer in a non-profit association and receives 300 euro per month. There are no deductions for pension scheme contributions within the framework of the tax-free exercise trainer activity according to [§ 3 Nr. 26 EStG](#). (Sect. 3 No. 26 Income Tax Act).*

How is Mr. A.'s additional income taken into account in the community at need?

*Monthly income in the amount of 300 euro
minus*

- *increased basic lump sum due to voluntary work 250 euro*
- *Employment tax allowance 40 euro (20% from 100 - 300 euro)*
- = *eligible income 10 euro.*

After deducting 10 euro, the couple A. still has a claim to Unemployment benefit II amounting to 350 euro per month.

✓ **Our advice:** If possible, you should have income from voluntary activities paid out monthly in order to make the most of the monthly basic lump sum. As a rule, only *one* basic lump sum can be deducted in the month in which the income is received, even if the remuneration for the voluntary activities is paid for several months ([BSG of 24.8.2017 - B 4 AS 9/16 R](#)).

In the first section of this chapter, you will find out which allowances are paid to legal guardians, carers or custodians who work on a voluntary basis.

2.2. Provisional decision and fluctuating income

Preliminary approval is often triggered by wage or salary payments that fluctuate in amount from month to month. The Jobcenter then uses the available documents to forecast a monthly gross and net salary for the coming six-month grant period and issues a provisional decision ([§ 41a SGB II](#)) (Sect. 41a Social Code II).

Your provisional benefit must always be calculated in such a way that your monthly needs are covered by your income and the supplementary unemployment benefit II in each month of the approval period ([§ 41a Abs. 2 SGB II](#)) (Sect. 41a par. 2 Social Code II).

✓ **Our advice:** If there are significant changes in circumstances retrospectively, such as an unforeseeable reduction in your salary, you may request an amended provisional decision taking this into account.

After the end of the grant period, you will usually be asked to submit your pay slips for the past six months. If you do not fulfill your obligation to provide sufficient information, you may be required to repay the benefits that were only provisionally approved (for more information, see "Final decision" in section "3. Income from self-employment" in this chapter).

After you have provided proof of income, the Jobcenter will issue the final decision based on the income actually earned during the grant period. You will then either have to reimburse benefits that you have received in excess, or you will be paid benefits in arrears.

✓ **Our advice:** If you had assumed less income in the grant period than in the forecast and the Jobcenter has not yet made a final decision, demand a final decision ([§ 41a Abs. 4 und 5 SGB II](#)) (Sect. 41a par. 4 and 5 Social Code II). You will then receive unemployment benefit II.

In the final determination of entitlement to benefits, the *actual* income from employment must be taken into account according to the general rules (§§ 11-11b SGB II), as presented in this chapter in sections 1, 2 and 5.

If the Jobcenter does not make a final decision and you have not applied for a final settlement, the provisional decision becomes final by operation of law after one year from the end of the grant period.

3. Income from self-employment

Self-employed persons receive a provisional approval of their unemployment benefit II for a period of usually six months. The explanations on the preliminary decision in the previous section apply accordingly to this group of persons. However, the special regulations of [§ 3 Alg II-/Sozialgeld-Verordnung](#) (Sect. 3 Ordinance on unemployment benefit II/income support)(Alg II-V) must also be observed when taking into account income from self-employment.

The income from self-employment is generally taken into account as follows.

Step 1

In a first step, the expected revenues will be reduced by the expected operating expenses over the grant period. If self-employment is only carried out during parts of the grant period, the income-surplus statement is only carried out for these months ([§ 3 Abs. 1 und 2 Alg II-V](#)) (Sect. 3 par. 1 and 2 Ordinance on unemployment benefit II/income support). The figures for income and expenditure are based on your forecasts in sections A and B of the [Anlage EKS](#) (Annex “Income of the Self-Employed”).

✓ **Our advice:** Include in your forecast only those revenues that you are sure to generate during the approval period. Changes to reduce the amounts of the forecast during the six-month period are often difficult to enforce.

Tax regulations do not apply in Social Code II. The Jobcenter checks whether operating expenses are necessary. Self-employed persons are expected to keep their operating expenses as low as possible ([§ 3 Abs. 2 und 3 Alg II-V](#)) (Sect. 3 par. 2 and 3 Ordinance on unemployment benefit II/income support).

✓ **Our advice:** You should discuss expensive purchases for your self-employment with the Jobcenter beforehand. Otherwise, you run the risk that the expenditure will not be recognised. Make it credible that the purchases are necessary for the continuation of the business and that your need for help can therefore be ended more easily.

Recognised expenses, for example for necessary PC equipment, are taken into account in full over the six-month approval period and are not depreciated over longer periods as in tax law.

The expected profit (= income less expenditure) is distributed evenly over the months of the approval period, if necessary, only over the months of the approval period in which the self-employment is exercised. ([§ 3 Abs. 4 Alg. II-V](#). (Sect. 3 par. 4 Ordinance on unemployment benefit II/income support). An average monthly profit is allotted to each of these months.

According to the instructions of the Federal Employment Agency, an equal distribution of the *anticipated* income is exceptionally not considered if the income fluctuates significantly during the grant period and the subsistence would not be secured if the income were distributed evenly in the *provisional* decision ([Fachliche Weisungen zu § 41a SGB II](#) (Expert directives on Sect. 41a Social Code II) as per 20 March 2018, marginal number 41a.20).

Step 2

In a second step, the expected monthly profit is reduced by the statutory deductions and tax exempt amounts for gainful employment ([§ 11b SGB II](#)) (Sect. 11b Social Code II). The following shall be deducted from the profit

- the 100-euro basic lump sum for working persons, and
- the tax exempt amount for gainfully employed persons. The way in which the tax exempt amount for gainful employment is calculated is explained in this Chapter in section 2 - Income from gainful employment. Please note here: The tax exempt amount is calculated from the profit.

🔴 **Please note:** The 100-euro basic lump sum and the tax exempt amount for gainfully employed persons apply only to unemployment benefit II beneficiaries, not to income support beneficiaries (see Chapter 3 in section 2 "Who receives unemployment benefit II, who income support?").

If necessary, further deductions must be made from the income, for example

- Advance payments on income tax or subsequent payments to the tax office,
- Contributions to unemployment insurance for self-employed persons who have taken out such insurance upon application in accordance with [§ 28a SGB III](#) (Sect. 28a Social Code III),
- Contributions to statutory pension insurance for self-employed persons who are subject to compulsory insurance pursuant to [§ 2 SGB VI](#) (Sect. 2 Social Code VI) or
- Maintenance payments made under the conditions described in Chapter 9 in section 2 "Income from employee activity".

You may claim these expenses in Section C of [Anlage EKS](#) (Annex Income from self-employment).

🔴 **Please note:** If your income from self-employment exceeds 400 euro per

month, it is possible to increase the basic 100-euro lump sum if your expenses exceed 100 euro per month. Which expenses can be taken into account is explained in this Chapter in section 2 "Income from gainful employment".

The adjusted monthly profit is deducted from your allowances.

Example: Ms. B. works as a freelance interpreter in the Neukölln district. During the six-month grant period, she will probably receive income of 7,200 euro. Her operating expenditure is expected to be 480 euro over the same period. She has taken out unemployment insurance on application (§ 28a SGB III) (Sect. 28a Social Code III) and pays a monthly contribution of about 79 euro (2022). Her monthly gross rent (incl. heating and hot water) is 451 euro.

How is unemployment benefit II calculated?

Mrs. B.'s monthly need consists of the standard allowance of 449 euro and the gross rent (incl. heating and hot water) of 451 euro. It amounts to a total of 900 euro per month.

Her eligible income is calculated as follows:

Step 1

Average operating income per month of 1,200 euro (7,200 euro/ 6 months)

less

- average monthly operating expenditure of 80 euro (480 euro/6 months)

= Profit per month 1,120 euro.

Step 2

Monthly profit in the amount of 1,120 euro less

- monthly contribution to unemployment insurance (contribution Berlin-West), 79 euro
- basic lump sum 100 euro
- employee tax exempt amount (20 percent from 100 euro to 1,000 euro) 180 euro
- employee tax exempt amount (10 percent from 1,000 euro to 1,120 euro) 12 euro

= eligible amount is 749 euro.

The provisional monthly unemployment benefit II results from the need of 900 euro minus the adjusted income of 749 euro and amounts to 151 euro.

Good to know: As long as you are self-employed and receive "supplementary" unemployment benefit II, you are covered for health insurance via the Jobcenter. No further health insurance contributions are then required.

Final decision

At the end of the grant period, the Jobcenter issues the final decision based on the actual income and expenditure in [Anlage EKS](#). (Annex Income from self-employment). You will then be paid unemployment benefit II in arrears or have to repay benefits to the Jobcenter.

In the final decision, the Jobcenters distribute the actual income from self-employment evenly over the individual months of the grant period or over the months of the grant period in which the self-employment was exercised ([§ 3 Abs. 4 AlgII-V](#) (Sect. 3 par. 4 Ordinance on unemployment benefit II/income support)).

✓ **Our advice:** If the Jobcenter asks you to report your income and expenses in Anlage EKS (Annex Income from self-employment) for the final decision, you should do so. The Jobcenters are entitled to reclaim the provisionally paid benefits if you do not comply with your duty to provide information in full or in good time ([§ 41a Abs. 3 SGB II](#)) (Sect. 41a par. 3 Social Code II). If you have missed the deadline and the Jobcenter asks you to return the benefits, you should lodge an appeal against this decision and submit the final income statement with the required evidence. The Federal Social Court has ruled that your documents must then still be taken into account ([BSG of 12.9. 2018 - B 4 AS 39/17 R](#)).

4. "Effortless" incomes

The 100-euro basic lump sum for gainfully employed persons and the tax exempt amount for gainfully employed persons do not apply to income not derived from gainful employment, such as unemployment benefit, sickness benefit, injury benefit, maintenance, reduced earning capacity pensions or child allowance.

For almost all "effortless" incomes, therefore, as a rule only the 30-euro insurance lump sum and - if contributions are actually made - the contributions to motor vehicle liability insurance and *Riester pension scheme* (as lump sum amount) can be deducted.

Special conditions for child allowance

In Social Code II, child allowance is added to the income of children living in your household. The insurance lump sum can then regularly only be deducted from child allowance for children of *full age*.

If your child has an income of his or her own that secures his or her livelihood, for example through child allowance and maintenance, the part of the child allowance that your child no longer needs to secure his or her livelihood will be taken into account as income for the parent entitled to child allowance. The income transfer is limited to child allowance.

The 30 euro insurance lump sum, if applicable also contributions to motor vehicle liability insurance and Riester pension scheme, must be deducted from the child allowance transferred. The condition is in particular that these deductions have not already been taken into account by the person entitled to child allowance.

Tax exempt amounts

From some "effortless" incomes, tax exempt amounts are to be deducted:

- 100 euro per calendar year of capital gains (interest, dividends) ([§ 1 Abs. 1 Nr. 3 Alg II-V](#)) (Ordinance on unemployment benefit II/income support) the capital gains tax and solidarity allowance payable on such income are also deductible,
- at least 100 euro per month from the vocational training allowance for in-company trainees, the training allowance in accordance with Book III of the Third Book of the Social Code, the training assistance in accordance with BAföG or the comparable benefits provided by the organisations for the promotion of gifted individuals ([§ 11b Abs. 2 Satz 5 SGB II](#)) (Sect. 11b par. 2 sentence 5 Social Code II) unless the 100 euro basic lump sum for employed persons has already been taken into account, e.g. due to the payment of a training allowance. If the necessary training-related expenses together with the 30 euro insurance lump sum amount to more than 100 euro per month, the higher costs can be claimed.
- up to 300 euro per month from scholarships under the [Stipendienprogramm-Gesetz](#) (Scholarship Programme Act),
- 250 euro per month from the pocket money that beneficiaries receive within the framework of a federal or youth voluntary service. The allowance is reduced accordingly if the basic lump sum for gainfully employed persons or deductible amounts replacing the basic lump sum are already claimed because of gainful employment ([§ 11b Abs. 2 Satz 6 SGB II](#)) (Sect. 11b par. 2 sentence 6 Social Code II),
- up to 300 euro per month from the (basic) parental allowance, insofar as the income before birth was used for its calculation; the corresponding exemption is halved for persons who receive the Parental AllowancePlus (parental allowance-plus = double the period of entitlement with half the parental allowance if parents do not work after the birth) ([§ 10 Abs. 1 und 5 Bundeselterngeld- und Elternzeitgesetz - BEEG](#)) (Sect. 10 par. 1 and 5 Federal Parental allowance and parental leave act).

Example: The single mother S. receives Unemployment benefit II and the minimum parental allowance of 300 euro per month. In the year before the birth of her child, she had an average monthly income of 200 euro in a mini-job. After the birth, Ms S. takes a career break (parental leave). Mrs S. has no other income or assets.

How is the parental allowance taken into account?

The parental allowance is 200 euro per month. In this example, this is the amount Ms. S. earned before the birth of her child. The amount of the parental allowance is not to be set off against Unemployment benefit II; the 30 euro insurance lump sum is to be deducted from the remaining parental allowance of 100 euro. As a result, Mrs. S. will be deducted 70 euro per month from Unemployment benefit II because of the parental allowance.

- 100 euros per month plus 30 percent of the gross amount of old-age and reduced earning capacity pensions in excess of this, but not more than an amount equivalent to 50 percent of the standard needs level 1 (2022: 224.50 euros). The prerequisite is that the pensioners in question can provide evidence of at least 33 years of basic pension periods in accordance with [§ 76g Abs. 2 SGB VII](#) (Sect. 76g par. 2 Social Code VII) in the statutory pension insurance scheme or comparable periods of coverage in other mandatory old-age insurance schemes ([§ 11b Abs. 2a SGB II](#); [§ 82a SGB XII](#)) (Sect. 11b par. 2a Social Code II; Sect. 82a Social Code XII). It is not necessary for recipients of benefits to actually be entitled to a basic pension supplement.

Recipients of a survivor's pension who are in need of assistance also receive the allowance if the deceased has acquired 33 years of basic pension periods or comparable periods.

Which periods are included in the basic pension periods you can find out on the website of the German Pension Insurance under [FAQs zur Grundrente](#) (FAQs on the basic pension).

For a better understanding: Old-age pensioners and pensioners with a permanent full reduction in earning capacity are excluded from SGB II benefits. However, if they live in a community at need with persons eligible for benefits who are capable of working, their pension may be taken into account as income for the other members of the community at need (for more information, see chapter 4 in section 1. under "Distribution of income in the community at need"). The new basic pension allowance reduces the possible income transfer from these pensioners to the other members of the community at need.

The legal basis for the basic pension came into force on 1 January 2021. However, due to a transitional regulation, the allowance will not be deducted from the pension until the Jobcentre receives notification of the basic pension periods or the comparable periods from the respective pension provider. As soon as the proof is available, the allowance will be taken into account - if necessary, also retroactively, but at the earliest as of 1 January 2021 ([§ 69 SGB II](#)) (Sect. 69 Social Code II).

5. Non-recurring income

The non-recurring income includes, for example, severance payments, holiday and Christmas bonuses, tax refunds, inheritances in money, if inheritance becomes effective only after the application was submitted, and additional payments of wages/salaries and social benefits, such as parental or child allowances.


Non-recurring income is taken into account in the month they occur or, if the unemployment benefit II payment for the month when the income occurred has already been made, in the following month. If the entitlement to benefits would lapse as a result of taking into account the non-recurring income in the month in question, the non-recurring income shall be divided evenly over a period of six months and taken into account monthly with a corresponding partial amount ([§ 11 Abs. 3 SGB II](#)) (Sect. 11 par. 3 Social Code II).

Before the one-off income is distributed over six months, the taxes and compulsory social security contributions payable on it, the income-related expenses and the employment allowance must be deducted from the income, if applicable ([§ 11b Abs. 1 Satz 2 SGB II](#)) (Sect. 11b par. 1 sentence 2 Social Code II). *After* the distribution of the one-time income over six months, the remaining deductible amounts according to Sect. 11b para. 1 Social Code II are then to be deducted from the income - in the case of "effortless" income, in particular the 30-euro insurance allowance and, if applicable, the motor vehicle liability insurance.

Example: *The monthly unemployment benefit II of the couple E. is 1,300 euro. Following a court ruling, Mr. E. receives unemployment benefit amounting to 1,800 euro retrospectively. His wife owns a car (vehicle liability insurance amounting to 360 euro a year).*

- Step 1: *The one-off payment exceeds the couple's monthly needs.*
- Step 2: *Distribution of the single premium over six months*
1,800 euro/6 months = 300 euro per month
- Step 3: *Adjustment of the distributed non-recurring income*
300 euro less 30 euro insurance lump sum and 30 euro for motor vehicle liability insurance = 240 euro monthly creditable income in the following six months

Good to know: If social benefits for which allowances according to [§ 11b SGB II](#) (Sect. 11b Social Code II) are granted (see section 4 "Effortless" incomes), such as BAföG (student loan) or basic pension, are only paid subsequently, the allowances must be taken into account for each subsequently paid month according to the instructions of the Federal Employment Agency. This also applies if parental allowance is paid retrospectively for several months, for which parental exempt amounts are to be taken into account according to [§ 10 Abs. 5 BEEG](#) (Sect. 10 para. 5 BEEG) (Social Code II knowledge database on Sect. 12a: Priority benefits, article [Beitrag „Nachzahlung Elterngeld](#) (Subsequent payment of parental allowance)). Under which conditions allowances are to be deducted from BAföG (student loan), from parental allowance or from the basic pension, you can read in this chapter in section 4 headlined "Tax exempt amounts".

 **Please note:** The entitlement to benefits ceases completely if, after distribution of the adjusted non-recurring income, the entitlement no longer exists in all six months. The funds from the non-recurring income that have not been used are considered as assets after the six months and are thus protected by asset exempt amounts acc. to [§ 12 SGB II](#) (Sect. 12 Social Code II).

Chapter 10 | How are assets taken into account?

Assets are monetary and material assets that you already had before you applied. Assets include, for example, cash, money in current accounts, savings books, shares or other securities, life insurance policies, private pension insurance and tangible assets such as motor vehicles, residential property or land. Inheritances in money [§ 1922 BGB](#) (Sect. 1922 German Civil Code) are considered assets under social law if the inheritance (death of the testator) became effective before the month in which you applied for Alg II. Inherited material assets always constitute assets.

1. Which assets can be used?

Assets are realisable if they can be used for subsistence through consumption, sale, renting, leasing or - in exceptional cases - mortgaging.

The following assets ([§ 12 Abs. 3 SGB II](#)) (Sect. 12 par. 3 Social Code II) are, among others, excluded:

- reasonable household effects,
- an adequate motor vehicle (car, motorcycle or moped) for each person of working age in the community at need. A motor vehicle is considered reasonable if its sales proceeds do not exceed euro 7,500 (less existing credit liabilities),
- a suitable property used by the owner (home or condominium). For example, a condominium for one to two persons usually has a living space of up to 80 square metres,
- retirement provision in the form of "Riester pension scheme",
- entitlements to a company pension in accordance with the Company Pensions Act,
- items which are indispensable for starting or continuing vocational training or gainful employment, for example the motor vehicle used for business purposes (§ 7 Abs. 1 Alg II-V) (Ordinance on unemployment benefit II/income support),
- objects and rights, as far as their exploitation is obviously uneconomical or would mean a special hardship.

2. What types of tax exempt amounts exist?

* Please note the Corona special regulations on [Assets](#) in our online information "What currently applies when I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance?". For example, short-term available ("liquid") assets, as long as they are not "substantial", remain non-includable for a limited period of time.

The following tax exempt amounts are to be deducted from the realisable assets ([§ 12 Abs. 2 SGB II](#)) Sect. 12 par. 2 Social Code II)

- 150 euro per year of age for each adult in the community at need, but at least - regardless of age - 3,100 euro per person (basic tax exempt amount). The maximum amount per person is currently 9,750 euro (65 years x 150 euro).
- plus 750 euro per person in the community at need (tax exempt amount for necessary purchases).


For persons born before 1 January 1948, the basic tax exempt amount is 520 euro per year of age and the maximum amount is 33,800 euro ([§ 65 Abs. 5 SGB II](#)) (Sect. 65 par. 5 Social Code II). These persons are excluded from unemployment benefit II/income support due to their age (see Chapter 3 in section 1 "Age limits"). However, as the partner of an employable person

entitled to benefits, they continue to belong to the community at need.

In addition, a tax exempt amount is granted for assets used for retirement provision. The tax exempt amount for old-age provision is as follows

- 750 euro per year of age for the person of working age and their partners in the community at need. The maximum amount per person is currently 48,750 euro.

In order for life insurance policies or private pension schemes to be recognised as "old-age provision", the relevant contracts should, if possible, not end until retirement. In addition, the realisation of the assets must be excluded until that date. This fact must be irrevocably agreed with the insurer.

 **Please note:** According to the Federal Employment Agency's instructions, it is also sufficient if the insurance contracts end on or after the 60th birthday *and* the realisation of the assets before this date is excluded. In order for your assets to continue to be recognised as retirement provision after the exclusion from realisation has expired, you must prove that there is a "pension gap" based on the amount of your future pension. A further prerequisite is that the assets are invested until retirement, for example as a fixed-term deposit.

When examining the assets of (married) couples, it is irrelevant to whom the individual assets belong. The tax exempt amount of the partners are added to a common basic tax exempt amount and a tax exempt amount for a common pension and compared with the assets of both partners.

Tax exempt amounts of children - for each child individually - are calculated separately from parents' tax exempt amounts. Only the allowance for necessary purchases (750 euro per person) can be transferred from the children to the parents if the children do not need it.

Example: Ms. D., 35 years old, is married and has financial assets of 12,500 euro. Her husband, 35, has no assets of his own. Her minor child, who has saved 2,000 euro, lives in its parents' household.

The tax exempt amount of the parents is calculated as follows:

Step 1: 35 years + 35 years = 70 years

Step 2: 70 x 150 euro = 10,500 euro (basic tax exempt amount)

Step 3: 10,500 euro + 750 euro + 750 euro = 12,000 euro

(basic tax exempt amount plus tax exempt amount for purchases)


Result: The child's assets are protected because they are below the minimum limit of 3,100 euro. Its tax-exempt amount for purchases (one-time 750 euro) is therefore not required. The parents' assets of 12,500 euro exceed their own tax exempt amount of 12,000 euro. It is nevertheless protected, as the child's tax exempt amount for purchases (750 euro) can be transferred to the parents.

3. What happens if your assets exceed the limit of the tax exempt amount?

If the realisable assets exceed your exemption limits, you are not in need of help until the assets above the exemption limits have been used up.

Unlike in case of income, the monthly principle does not apply when assets are taken into account. An entitlement to unemployment benefit II arises from the day of the month from which the assets are below the relevant tax-free amount. The Jobcenter must then grant benefits on a pro rata basis for the calendar month in question ([BSG of 20.2.2020 - B 14 AS 52/18 R](#)).

If the assets of a child under 25 living in the parents' household exceed the child's tax exempt amount, only the child is not in need of help. This leads to the exclusion of the child from the community at need and the entitlement to benefits ([§ 7 Absatz 3 Nr. 4 SGB II](#)) (Sect. 7 par. 3 no. 4 Social Code II).

 **Please note:** If the relevant assets can only be used at a later date, you are considered to be in need ([§ 9 Abs. 4 SGB II](#)) (Sect. 9 par. 4 Social Code II). Consequently, you receive then unemployment benefit II and income support as an interest-free loan ([§ 24 Abs. 5 SGB II](#)) (Sect. 24 par. 5 Social Code). If the assets probably cannot be realised during the entire period of grant (as a rule: twelve months), Alg II is to be granted as a subsidy (Federal Social Court of 6.12.2007 - [B 14/7b AS 46/06 R](#); see also Social Code II knowledge database on sect. 12, article "Nießbrauch/Nicht selbst genutztes Wohneigentum" [Usufruct/Non-self-used residential property]).

Chapter 11 | How are maintenance claims taken into account?

If you are paid alimony by a third party, the alimony will be counted as an effortless income, regardless of whether it was paid on the basis of a legal claim or voluntarily.

If you are entitled to maintenance, but no maintenance is actually paid to you, you are fully entitled to the benefits to secure your livelihood. If the Jobcenter pays you benefits, your maintenance claims are transferred to the Jobcenter. The authorities can then recover the benefits paid to you from the debtor.

The transfer of claims ([§ 33 SGB II](#)) (Sect. 33 Social Code II). is only possible for maintenance claims of

- minor unmarried children against their parents,
- children under 25 years of age against their parents if the child's initial education has not yet been completed,
- separated or divorced spouses or partners against their partners, or
- women during pregnancy and mothers up to 6 years of age of the child against the fathers of the child, if the pregnant woman or mother cannot be gainfully employed because of the child.

The maintenance claim is not transferred to the Jobcenter if you live with the maintenance debtor in a community at need. The same applies to children's maintenance claims against their parents if the dependent child is pregnant or cares for a natural child under the age of six.

🔴 **Please note:** The Jobcenter is not entitled to make payment of the benefit conditional upon your prior claim for maintenance.

The following maintenance claims shall be taken into account only if they have been claimed by creditors:

- parents against their children,
- children of full age who have completed their initial training against their parents, or
- grandchildren against grandparents.

2nd and 3rd degree relatives of the beneficiary, e.g. siblings, aunts and uncles, are not taken into consideration because in these cases there is no legal claim to maintenance.

✓ **Our advice:** If you become in need of assistance and are obliged to pay maintenance on the basis of a maintenance title, your maintenance obligations remain unchanged. In this case, you can apply to the family court for an amendment to the maintenance title. You should consult a lawyer or the family court.

Chapter 12 | When do you risk sanctions and to what extent do they apply?

You are at risk to experience benefit cuts, so-called sanctions, if you violate obligations imposed on you by law or in the integration agreement, or if you fail to notify.

1. When do you fail to report?

You fail to report if you receive unemployment benefit II or social assistance and do not comply with a request from the Jobcenter to register personally or to appear at a medical or psychological examination without important reason ([§ 32 SGB II](#)) (Sect. 32 Social Code II).

"Important reasons" can be, for example, an invitation to an interview at the same time as the registration date, a job or an illness proven by a medical certificate ("sick note").

🔴 **Please note:** The Jobcenters sometimes point out in their invitations that a sick note is not sufficient to justify non-appearance. If you are unable to come to the appointment, your doctor will have to confirm that you are unable to make the appointment for health reasons. Otherwise, there is a danger that the Jobcenter

will impose a sanction for failure to report.

* Please note the Corona special regulations on [Sanctions](#) in our online information "What currently applies when I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance? ".

A sanction presupposes that you have previously been informed in writing of the consequences of your absence. A proper notification must be correct, unambiguous, comprehensive and understandable for you. It must be forwarded promptly and in connection with the required conduct. The *written* notification can only be waived if you *knew* the legal consequences of your actions or non-actions in the concrete situation - a mere "must know" is not sufficient.

If the conditions for a sanction are fulfilled, the failure to report results in a reduction of the benefit by ten percent of the relevant standard allowance (2022: 44.90 euro per month for single persons) for a period of three months. The sanction shall commence in the month following receipt of the sanction notice. In the case of several reporting failures in succession, several sanctions are also possible at the same time. The reduction amounts are then added together. You can read more about the consequences of the ruling of the Federal Constitutional Court of 5 November 2019 in the section after the next section.

2. What are breaches of duty?

As a person entitled to unemployment benefit II, you commit a breach of duty if, despite written notification about the legal consequences or their knowledge and without important reason

- refuse to perform any of the duties set forth in the Integration Agreement or the administrative procedure related to the Integration Agreement,
- refuse to take up or continue a reasonable job, training, work opportunity or a subsidised employment relationship or to prevent its completion through your conduct, or
- refuse not to take, drop out or give cause that you drop out of a reasonable measure for integration into employment ([§ 31 Abs. 1 SGB II](#) (Sect. 31 par. 1 Social Code II)).

A breach of duty also includes, for instance, if

- a breach of the employment contract was established, or
- adults entitled to unemployment benefit II or income support have reduced income or assets for the purpose of receiving or increasing benefits ([§ 31 Abs. 2 SGB II](#)) (Sect. 31 par. 2 Social Code II).

Important reasons are proven illnesses or disabilities that make it impossible to take up or continue a job or measure, or the inadequacy of a job or measure (see Chapter 8 in section 1 - What work is reasonable?).

*Please note the Corona special regulations on [Sanctions](#) in our online information "What currently applies when I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance? ".

3. What are the sanctions for breaches of duty?

In its ruling of 5 November 2019 ([1 BvL 7/16](#)), the Federal Constitutional Court declared the sanctions for breaches of duty for Unemployment benefit II beneficiaries aged 25 and over to be partly unconstitutional. Pending a new statutory regulation, the judges have created transitional provisions to ensure that the statutory sanction provisions are interpreted in conformity with the constitution. The following applies:

In principle, Jobcenters are allowed to reduce Unemployment benefit II for three months by 30 per cent of the relevant standard allowance (2022: 134.70 euro per month for single persons) after each breach of duty ([§ 31a Abs. 1 Satz 1 SGB II](#)) (Sect. 31a par. 1 sentence 1 Social Code II).

☛ **Please note:** Sanctions can also reduce the benefits for accommodation and heating if the standard and additional requirements are already fully or partially covered by chargeable income.

However, in the event of a breach of duty pursuant to [§ 31 Abs. 1 SGB II](#) (Sect. 31 par. 1 Social Code II) i.e. a breach of the integration agreement or the administrative act related to the integration agreement, the refusal of a reasonable job, training or work opportunity or the failure to commence or discontinue an employment measure, the Jobcenters must observe restrictions.

- A sanction is not permitted if, in a specific individual case, it represents extraordinary hardship for the person entitled to benefits due to special circumstances. In particular, a reduction will not be considered if integration into work or the reduction of the need for assistance is jeopardised as a result. Extraordinary hardship could, for example, exist if the reduction of funds specifically threatens homelessness or the loss of contact with the Jobcenter. The reduction of the financial benefit in itself should not constitute an exceptional hardship.
- The sanction may not last a full three months if Unemployment benefit II beneficiaries cooperate in the fulfilment of their obligations before the sanctions expire, for example by taking part in an integration measure proposed by the Jobcenter. If this is no longer possible, the duration of the sanction can also be shortened if beneficiaries subsequently declare their credible willingness to fulfil their obligations in future. Then the sanction may not last longer than one month from the time of the beneficiary's participation or declaration.

- Jobcenters may also impose sanctions several times for repeated breaches of duty. Reductions in benefits by 60 per cent or even 100 per cent, as currently still provided for in Social Code II in the case of repeated breaches of duty, are no longer possible, however. The sanctions may not exceed 30 percent of the relevant regular monthly requirement.

The Federal Employment Agency has instructed the Jobcenters to implement the transitional provisions of the Federal Constitutional Court as follows [Weisung 201912003 vom 03.12.2019](#) (Directive 201912003 of 3 December 2019):

The ruling of the Constitutional Court is to be applied to *all* breaches of duty in accordance with [§ 31 Abs. 1 und Abs. 2 SGB II](#) (Sect. 31 par. 1 and 2 Social Code II) and also to persons entitled to unemployment benefit II under 25 years of age. If sanctions run in parallel as a consequence of breaches of duty and failures to report, the monthly reduction is limited to 30 percent of the relevant standard allowance. The same applies if several sanctions for failure to report are ongoing simultaneously. For each failure to report, it must also be checked whether there is exceptional hardship, whether the obligation to cooperate has been made up for or whether the willingness to fulfil reporting obligations in the future has been declared.

Chapter 13 | What are your duties to cooperate?

Anyone applying for or receiving social benefits is obliged to cooperate ([§§ 60 bis 64 SGB I](#)) (Sections 60 to 64 Social Code I). The following therefore applies:

- You must state all facts relevant to the benefit when making the application. This includes, in particular, truthful information about your income, assets, marital status, number and age of the members of your community at need.
- You must immediately report any changes in your situation after the application has been filed. This includes information about any persons moving in or out of your home, about changes in income and assets, about any employment you have taken up and about credit balances in connection with utility and heating bills.
- At the Jobcenter's request, you must submit the necessary documents or agree to the provision of the necessary information by third parties. This includes the submission of bank statements and the rental agreement.
- At the Jobcenter's request, you must undergo medical examinations or treatments or participate in measures designed to rehabilitate your work life (rehabilitation).

If you do not comply with your duties to cooperate and thereby make it considerably more difficult to clarify a situation, you must expect that the benefits will be denied or taken away from you in whole or in part ([§ 66 SGB I](#)) (Sect. 66 Social Code I). Before the benefits are denied or taken away from you, you must have been notified of these legal consequences in writing and you must have been granted a reasonable period of time to cooperate.

If your benefits have been discontinued and you subsequently fulfil your duty to cooperate, the Jobcenter may reimburse the lost benefits ([§ 67 SGB I](#)) (Sect. 67 Social Code I).

If you have deliberately or negligently violated your duties to cooperate and thereby received benefits from the Jobcenter to which you were not entitled, the Jobcenter may impose a fine on you ([§ 63 Abs. 1 Nr. 6 und No. 7 und Abs. 2 SGB II](#)) (Section 63 par. 1 no. 6 and 7 and par 2 Social Code II) In addition, you will have to repay the overpaid amounts.

🔴 **Please note:** Your duty to cooperate does not extend to providing information on the income and assets of third parties, for example persons liable for maintenance payments. If third parties do not cooperate, you may not be refused social security benefits for this reason.

The Jobcenter may ask you to apply for priority social benefits such as child allowance, advance maintenance payments, early retirement pension or reduced earning capacity pension if this can prevent, reduce or shorten your need for assistance. The Jobcenter may only refer you to the housing allowance and child allowance if the neediness of the entire community at need is thereby overcome for at least three months ([§ 12a SGB II](#)) (Sect. 12a Social Code II).

If you refuse to apply for priority benefits despite a request from the Jobcenter to do so, the Jobcenter itself *can* submit the application to the other social security agency ([§ 5 Abs. 3 SGB II](#)) (Sect. 5 par. 3 Social Code II). This does not represent a reason for the Jobcenter to deny or discontinue the benefits under Social Code II. However, there may be negative effects on your benefits if the application was already submitted by the Jobcenter and you fail to cooperate in the current administrative procedure, for instance by failing to provide necessary documents. Exception: If the Jobcenter has submitted an application for an early retirement pension for you, you do not need to cooperate.

🔴 **Please note:** Questions about data protection cannot be answered in this practical guide.

✔ **Our advice:** If you have any questions about the protection of your social security data in the Jobcenter or if you have any indications of a breach of data protection regulations, please contact the official data protection officer in your Jobcenter or the [Beauftragter für den Datenschutz und die Informationsfreiheit](#) (Data Protection and Freedom of Information Officer) in Bonn.

Chapter 14 | Can beneficiaries get annual leave?

If you need to be reachable by the Jobcenter, the provisions of the accessibility order (EAO) apply to you. You can go on holiday for three weeks in the calendar year upon prior permission of the Jobcenter. During this period, you will receive your full subsistence benefits and will continue to be covered by health insurance ([§ 3 Abs. 4 EAO](#)) (Sect. 3 par. 4 Reachability Order).

As a rule, you cannot apply for the "absence from your place of residence" until one to two weeks before the start of your holiday. The application can be rejected if, during the period of your absence, a job interview, a job placement or a support measure is pending.

✓ **Our advice:** If you have school-age children and are dependent on school holidays as a holiday period, you should inform the Jobcenter when applying for the holiday. This will increase your chances of getting your holiday approved.

The "absence from your place of residence " can be approved for a period of up to six weeks. However, benefits will then only be paid for the first three weeks. If the holiday lasts longer than six weeks, the unemployment benefit II and income support will not be paid for the first three weeks either ([§ 3 Abs. 4 EAO](#)) (§ 3 par. 4 Reachability Order).

Chapter 15 | Supplementary child allowance - an alternative to unemployment benefit II (Alg II) and income support?

The supplementary child allowance (KiZ) in accordance with [§ 6a of the Federal Child Benefits Act](#) (BKGG) is intended for families with low income as an alternative to the basic provision for jobseekers. Often the KiZ can also be combined with housing benefit.

KiZ is available upon application to the relevant [Familienkasse](#) (Institution responsible for taking care of paying child allowances). Enter your postcode in the field "Find service" at the bottom right of the 'Familienkasse' website.

First of all, the prerequisites for KiZ are that

- you are entitled to the child benefit or a comparable benefit for your unmarried child under 25 living in your household ([§ 4 BKGG](#)) (Sect. 4 of the Federal Child Allowance Act),
- you have a gross income of at least 900 euro (excluding housing allowance and child benefit) on average over the last six months before the month of application, for single parents an average gross income of 600 euro per month is sufficient.

👉 **Please note:** The KiZ is subordinated to other possible income of the child. Therefore, there is regularly no entitlement to KiZ for a child if you have not asserted claims, for example, to child maintenance, advance maintenance payments or BAföG (student loan).

Good to know: You can also get KiZ if you live with your child in the same household only temporarily due to separation from your partner. The condition is that the Familienkasse pays child benefit to you and not to the other parent.

KiZ is possible if, in the month in which the application is submitted, your income plus KiZ and housing allowance generate sufficient income to ensure that you and the other members of your community in need are not in need of assistance within the meaning of Social Code II. Needs for education and participation are not taken into account. If you have not yet applied for a housing allowance, an expected housing allowance for the month of application will be included in this assessment.

For families who currently do not receive or have not applied for benefits according to Social Code II or XII, there is an "extended access option". They also receive the supplementary allowance if

- the parents achieve an earned income of at least 100 euro per month and
- the family with all incomes adjusted for Social Code II, including KiZ and housing benefit, are at most 100 euro per month, in order to avoid need for assistance in the context of Social Code II.

With this regulation, the legislature wants to enable more families in the low-wage sector who are entitled to basic support but do not take advantage of it ("hidden poverty") to have access to KiZ. The regulation is valid for a limited period until 31 December 2023.

Good to know: Recipients of KiZ - like unemployment benefit II and social benefit recipients - are entitled to benefits for education and participation ([§ 6b BKGG](#)) (Sect. 6b Federal Child Allowance Act) and to a non-contributory childcare period ([§ 90 Abs. 4 SGB VIII](#)) (Sect. 90 par. 4 Social Code VIII). In Berlin, the district housing offices are responsible for approving BuT benefits for KiZ beneficiaries. Applicants can also contact the [district citizens' offices](#).

Amount and duration

The Familienkasse approves KiZ for a period of six months (approval period).

Each child to be considered receives KiZ up to a maximum of 209 euro per month. The actual payment amount is calculated taking into account the eligible income and assets of the parents and the respective child. The calculation of the KiZ is complicated - therefore only a few hints can be given.

The starting point for the income calculation is the average monthly income from the six months before the start of the grant period. Child benefit, KiZ, housing benefit and benefits according to Social Code II are not taken into account. In a further step, the income is adjusted for the allowances and deductions in accordance with Social Code II (see the Chapter 9 - How is income credited?).

Good to know: Subsequent changes in income or housing costs during the KiZ approval period are not taken into account and have no influence on the amount of the KiZ. If new members join or leave the community at needs, you must report this to the Familienkasse.

✓ **Our advice:** If your income decreases or your housing costs increase during the KiZ grant period and you are in need of help, you can receive Unemployment benefit II and social benefits in addition to KiZ.

The child's income determined in this way, such as maintenance, advance maintenance payments or the training allowance, is credited at 45 percent of the child's KiZ entitlement, i.e. deducted from the 209 euro. If there are several children, the allowances determined for each child are combined to form a total child allowance.

The parents' income only reduces the KiZ or total KiZ if it exceeds the parents' needs. The excess earned income is deducted from the KiZ at a rate of 45 percent; other income, such as a pension, is credited 100 percent of the KiZ above the parental need.

When determining parental needs, the standard and additional allowances from Social Code II apply. In addition, the following proportions of housing needs are taken as the basis for the parents' housing costs.

Table 13

Parents' share of housing costs when receiving KiZ

Single parent with	Housing cost share of single parents	Parental couple with	Housing cost share of parental couple
1 child	77 %	1 child	83 %
2 children	63 %	2 children	71 %
3 children	53 %	3 children	62 %
4 children	46 %	4 children	55 %
5 children	40 %	5 children	50 %

Assets must also be taken into account. For parents, the regulations on protective assets and tax allowances from the Social Code II apply (see Chapter 10 - How are assets taken into account?). For children, the *basic allowance* is always based on an amount of 3,100 euro, plus an allowance for necessary purchases of 750 euro. Each family member is thus generally entitled to at least an asset allowance of 3,850 euro.

If, after deduction of the tax-free amounts, assets remain that are to be taken into account and that are higher than a monthly payment amount of KiZ, the entitlement to KiZ does not apply.

* Please note the Corona special regulations for [assets](#) ([facilitated access to the child supplementary allowance](#)) in our online information "What currently applies when I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance?". For example, short-term available ("liquid") assets, as long as they are not "substantial", remain non-includable for a limited period of time.

Example: Ms. G. is a single parent with two children (2 and 4 years old). Her gross pay is 1,700 euro per month (about 1,330 euro after deductions). The children receive child allowance (each 219 euro per month) and an [Unterhaltsvorschuss](#) (advance on maintenance - each 177 euro per month). In addition, the family receives Unemployment benefit II and social benefits of 101 euro per month. The monthly rent (incl. heating and hot water) is 712.36 euro. There are no assets. In that case, to simplify matters, it is assumed that the income earned in the last six months is unchanged.

Can the family switch from unemployment benefit II/income support to KiZ? Is the switch worth it financially?

Calculation:

Step 1: Ms G. has reached the minimum gross income limit of 600 euro per month.

Step 2: The Unterhaltsvorschuss (advance on maintenance) for the children reduces the KiZ by 79.65 euro each (45 percent of 177 euro). The remaining KiZ per child amounts to 129.35 euro per month (209 euro less 79.65 euro), the total KiZ is 258.70 euro, rounded up 259.00 euro.

Step 3: No parental income is deducted from the total KiZ, since Ms. G.'s creditable income does not exceed her own needs.

a.) Ms. G.'s monthly need according to Social Code II is as follows:

*449.00 euro (standard allowance for single parents)
+ 161.64 euro (additional allowances for single parents)
+ 448.79 euro pro rata housing requirements (63 percent of 712.36 euro)
= 1,059.43 euro.*

b.) The income of Ms. G. that is creditable according to Social Code II is

*1,330.00 euro (remuneration after deductions)
- 330,00 euro (tax-free amounts due to gainful employment)
= 1,000.00 euro.*

Step 4: With the total KiZ and the remaining income, the family's need for help is avoided in the month of application: The creditable family income is higher than the family's Social Code II need.

a.) The family's monthly needs consist of

*449.00 euro (regular needs for single parents)
+ 161.64 euro (additional allowances for single parents)
+ 285 euro (regular needs of children under 6 years)
+ 285 euro (regular needs of children under 6 years)
+ 712.36 euro (rent incl. utilities)
= 1,893 euro.*

b.) The monthly eligible income of the family is

*1,000.00 euro (creditable part of the income after deductions)
+ 438.00 euro child allowance
+ 354.00 euro advance maintenance payment
+ 259.00 euro total KiZ
+ 215 euro expected housing allowance
= 2,266 euro.*

Result: Ms. G. can opt for KiZ. The family will then have with KiZ and housing allowance 373 euro per month more at their disposal compared to the amount of unemployment benefits II and income support (474 euro from KiZ and housing allowance compared to 101 euro from unemployment benefit II and income support).


KiZ as an alternative to unemployment benefit II or income support?

The Jobcenters often ask families to apply for KiZ and housing benefit. Both benefits have priority over unemployment benefit II and income support. However, the Jobcenter may only refer you to KiZ and housing benefit if the neediness of the entire community at need is thereby overcome for at least three months ([§ 12a SGB II](#)) (Sect. 12a Social Code II). If you do not comply with the request, the offices can make the applications themselves ([§ 5 Abs. 3 SGB II](#)) (Sect. 5 par. 3 Social Code II).

You yourself can also only transfer to the KiZ during the period you receive Unemployment benefit II if the need for help of your community of patients has ended after the transfer to the KiZ. In order for this to happen, the KiZ, together with housing benefit if applicable, must be at least as high as unemployment benefit II and income support (see example).

If you do not apply for Unemployment benefit II again after the expiry of the Unemployment benefit II approval period, it is already possible to change to KiZ and receive housing benefit if you are missing a maximum of 100 euro per month, together with KiZ and other income, in order to avoid neediness as defined by Social Code II. You can read at the beginning of this Chapter about the specific prerequisites you must meet for "extended access" to KiZ.

If you make use of this option, you will have slightly less money available than unemployment benefit II. However, you are free to apply for Unemployment benefit II and social subsistence benefits at a later date, even during the KiZ's approval period.

 **Please note:** If you change to KiZ, you are no longer insured by the Jobcenter. If you have an income that is subject to compulsory insurance, such as income from employment or unemployment benefit, you are still covered by health insurance. If you have no income and your spouse is a member of the statutory health insurance scheme, you are usually covered by family insurance ([§ 10 SGB V](#)) (Sect. 10 Social Code V). Please also note that if you change to a KiZ, some benefits linked to Alg II may be waived (see Chapter 18 - Benefits for people with little money).

Chapter 16 | What benefits do foreigners receive who are excluded from unemployment benefit II?

Foreigners in need of assistance who are excluded from unemployment benefit II and income support (see Chapter 3 in section 4.1 - Exclusions from benefits) and do not belong to the group of persons entitled to benefits under the Asylum Seekers' Benefits Act may be able to invoke the **European Welfare Agreement (EFA)**. In addition to Germany, the signatory states to the ECSMA include Belgium, Denmark, Estonia, France, Greece, Ireland, Iceland, Italy, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Turkey and the United Kingdom.

Under [Art. 1 des EFA \(ECSMA\)](#) nationals of signatory states are to be granted welfare benefits in the same way as domestic nationals if they are "*permitted*" to reside in another ECSMA state. The principle of equal treatment with Germans then applies. While the Federal Government has suspended the application of the ECSMA for Social Code II, it still applies for Social Code XII.

Since the Federal Social Court has decided that employable ECSMA citizens excluded from the SGB II benefits fall under Social Code XII, they are entitled to most income support benefits according to Social Code XII. The entitlement in particular covers subsistence assistance ([3. Kapitel des SGB XII](#) (Chapter 3 of Social Code XII)), the amount of which corresponds to the amount of unemployment benefit II benefits, support in the case of illness and under the package of benefits designed to foster education and participation in civic life. While the decision to have employable persons fall under the Social Code XII legislation and to the social welfare offices is indeed controversial, many local and national social courts have adopted this decision.

However, the prerequisite is "legal residence" in Germany. According to supreme court rulings, this requires either a "material" right to freedom of movement under the Freedom of Movement Act, i.e. at least a right of residence for the purpose of seeking work, or another right of residence, or the person concerned is in possession of a valid residence permit.

The Senate Department for Integration, Labour and Social Affairs clarifies in its implementing regulations for the social welfare offices: EU citizens and their family members as well as persons from the EEA states who are nationals of a signatory state of the European Welfare Agreement and who have the same status under residence law are to be granted "regular" assistance for subsistence [3. Kapitel des SGB XII](#) (Chapter 3 of the Social Code Book XII), even if they are fit for work. The exclusions from social assistance according to [§ 23 Abs. 3 Satz 1 Nr. 2 und Nr. 3 SGB XII](#) (Sect. 23 para. 3 (1) no. 2 and no. 3 Social Code XII) do not apply to them ([AV § 23 SGB XII vom 25. Juni 2021, Punkt II.8.](#)- Implementing regulations of Social Code XII of 25 June 2021, item II.8).

If the foreigners described at the beginning are not EFA nationals, they are, according to the will of the legislator, only entitled to **bridging benefits** according to [§ 23 Abs. 3 Satz 3 bis 6 SGB XII](#) (Sect. 23 par. 3 sentence 3 to 6 Social Code XII) "until their departure". They will, at most for one month, receive

- benefits for their food, healthcare and personal care (around 190 euro for singles),
- benefits covering their housing, heating and hot water,
- the medical services required to treat acute illnesses and pain, and
- help with pregnancy and maternity.

The legislator does not request an *intention* to leave the country.

Bridging benefits can only be claimed once within two years.

In cases of particular hardship, if the "special circumstances" so require, bridging benefits are to be granted for longer than one month. The legislator cites as an example the inability to travel as determined by a public health officer ([Drucksache 18/10211](#), p. 17). The Berlin Senate Department for Integration, Labour and Social Affairs lists a number of special hardship cases in its circular. ([AV § 23 SGB XII vom 25. Juni 2021, Punkt II.7.d](#) - Implementing regulations of Social Code XII of 25 June 2021, item II.7d). However, the benefits may only be granted for a "*temporary need*" and not permanently, even if the end of the needy situation can only be expected after several months or years.

The granting of benefits other than those mentioned above, such as for clothing, shoes, household energy or additional needs is also possible in cases of special hardship.

🔴 **Please note:** Citizens of the Union should - if necessary - draw the attention of the social office clerks to the relevant passages in the circular letter. However, the social courts are not bound by the administrative regulation.

✔ **Our advice:** Since bridging benefits are not enough to provide a livelihood, you should state in a possible appeal or emergency request to the Social Court why you need additional benefits, such as for clothing, household energy or a public transport voucher, and why bridging benefits must be paid for more than one month, for example because of pregnancy or severe illness.

Upon request, in addition to the bridging benefits the reasonable costs of the return journey will also be covered as a loan. The loan is also considered for those persons whose need for assistance arises solely from the costs of the return journey ([§ 23 Abs. 3a SGB XII](#)) (Social Code 23 par. 3a Social Code XII).

Applications for Social Code XII benefits must be submitted to the [Berliner Sozialämter](#) (Berlin Social Welfare Offices).

Chapter 17 | You do not agree with the decision or do not receive a decision? What can you do?

1. Appeal

You can lodge an appeal against a decision of the Jobcenter within one month. The time limit starts on the day on which the notice arrives in your mailbox. In the event of a dispute, save the envelope with the postmark as proof.

The appeal must be filed in writing. An objection by simple e-mail does not fulfil the formal requirement (inter alia [LSG Niedersachsen-Bremen vom 4.11.2021 – L 11 AS 632/29](#) Reg. Social Court of Niedersachsen-Bremen of 4.11.2021 - L 11 AS 632/29). An objection by e-mail is only effective if it is provided with a qualified electronic signature.

You can also have your objection recorded by the objection office. The Jobcenter is obliged to record your appeal. Before you sign the appeal, check whether your words have been correctly recorded in the minutes.

The appeal must contain your name, address and the date of the decision against which your appeal is directed. Your signature and the number of your community of need should also be included.

You should give reasons for your appeal. You do not have to quote any legal texts or provisions. It is enough if, for example, you write that the decision contains an error or that you cannot understand the calculation. If you have only a few days until the period for filing an appeal expires, you can initially file your appeal without stating any reasons and point out that you will submit the reasons later.

✓ **Our advice:** If you send the appeal by post, you should do so by registered mail. Alternatively, you can hand in the appeal against a receipt stamp on a copy in the entrance area of your Jobcenter. This will enable you to prove later that you have filed your appeal within the time limit if it is lost in the Jobcenter.

Good to know: The appeal suspends the effect of decisions regarding the repayment of benefits. In this case, you do not have to make any repayments until the Jobcenter has decided on the appeal.

2. Legal action

If the Jobcenter rejects your appeal in whole or in part, you can file an appeal with the Berlin Social Court within one month of receiving the notice of rejection. You can file the appeal in writing or have it taken down for the record at the [Rechtsantragstelle des Sozialgerichts](#) (Social Court's Claim Submission Office) (Invalidenstr. 52 in 10557 Berlin, phone: 030 - 9 02 27 - 12 90). You do not have to pay any court costs for the action.

✓ **Our advice:** If you have your appeal taken down for the record at the Social Court's Claim Submission Office, take a copy of the decision and a copy of the Jobcenter's notice of rejection with you, if possible, also a copy of your appeal. Indicate what you think is wrong with the notices. The employees of the Claim Submission Office will draft the appeal for you in writing.

It may be useful to consult a lawyer who will represent you in court. The state may grant you "legal aid" for this purpose. More on this in this Chapter in section 6 - Government aid for lawyers' fees.

3. Missed the deadline for appeal? – Request for review

If you have missed the deadline for filing an appeal, an incorrect decision that is disadvantageous to you must be reviewed again upon your request ([§ 44 SGB X](#)) (Sect. 44 Social Code X). Give reasons for your request and state the date of the decision against which your request for review is directed. Contrary to the appeal, the request for review does not affect the suspension of reimbursement claims of the Jobcenter. If the decision is corrected in your favour, the Jobcenter will only make additional payments for the current and previous calendar year.

4. The Jobcenter does nothing? – Action for failure to act

The Jobcenter must make a final decision on an appeal within three months and on an application within six months. If this does not happen and there is no reason for the delay, it is admissible to bring legal action for failure to act.

✓ **Our advice:** Before you file an action for failure to act, you should threaten the action and point out that the statutory deadline has expired. In most cases, this is sufficient to force a decision.

5. When things have to go fast – emergency request

If you cannot wait for a decision about your application or appeal because your livelihood is not secure, you can file an emergency request ("application for interim measures") with the Social Court. This is also possible at the Social Court's Legal Claims Office (see in this chapter in section 2 - Legal action).

6. Government aid for lawyers' fees

You can represent yourself in appeal proceedings and in proceedings before the Social and Regional Social Courts against the Jobcenter. As a person entitled to SGB II benefits, you will not be liable for any legal costs and those of the other party (Jobcenter). A risk of having to bear legal costs only exists if you are represented by a lawyer.

Persons with low income and assets who do not have legal protection through legal expenses insurance or through membership in a trade union can have their costs for legal advice and court representation paid for by the government.

A distinction must be made between

- Legal aid under the [Beratungshilfegesetz](#) (Legal Advice and Assistance Act) during an appeal procedure and
- assistance with court costs (PKH) under [§§ 114 der Zivilprozessordnung](#) (Sect. 114 et seq. of the Code of Civil Procedure) for actions or summary proceedings before a court.


Certain income and asset limits apply in order to qualify for government support. The income of persons who receive SGB II benefits regularly lies within the income limits. However, when it comes to assets, the limits of [§ 90 SGB XII](#) (Sect. 90 Social Code XII) in conjunction with [Verordnung zur Durchführung des § 90 Abs. 2 Nr. 9 SGB XII](#) (Ordinance on the implementation of Sect. 90, par. 2 No. 9 Social Code XII) apply. According to this, single persons are entitled to assets of 5,000 euro and married persons to assets totalling 10,000 euro. For each further person predominantly maintained by the beneficiary, in particular children, 500 euro are added. If you have more assets, you will not receive any assistance with legal advice. Recipients of PKH have to use assets in excess of the exemption amount; it reduces the PKH requirement.

7. Where do you apply for legal aid, where do you apply for help with court costs?

You can apply for legal aid at the Claim Submission Office of the [local district court](#) responsible for your home address. Take the necessary supporting documents with you. In particular, this includes the decision of the Jobcenter against which you want to take action, your current unemployment benefit II notification and supporting documents regarding your income and assets.

The application for legal aid can also be submitted to the court later by the lawyer. The lawyer is entitled to charge you a deductible of 15 euro for advice and legal representation.

You apply for assistance with court costs to the social court where you or your lawyer file the complaint. Your application for assistance with court costs will only be accepted if the claim has a chance of success.

 **Please note:** If your financial situation improves significantly within four years of the end of the proceedings, the court costs may be reclaimed in whole or in part.

✓ **Our advice:** We recommend that you appoint a specialist lawyer for social law to represent you in Jobcenter matters, rather than just any lawyer. You will find the addresses of specialist lawyers under the keyword "Anwaltssuche" (Search for a Lawyer) at the [Rechtsanwaltskammer Berlin](#) (Berlin Bar Association).

8. Ombuds services in the Jobcenters

The district offices of [Friedrichshain-Kreuzberg](#) and [Charlottenburg-Wilmersdorf](#) have set up free ombudsman offices (complaints and arbitration offices) for beneficiaries of their district Jobcenters. These offices are there to help you mediate conflicts with the Jobcenter.

✓ **Our advice:** If you make use of the ombuds services, you should not waive your legal remedies such as appeal and court action. Take note of the applicable deadlines. If you do not file an appeal, you may suffer legal disadvantages.

🔔 **Please note:** You can also find out about the legal remedies available to you to enforce your rights in our leaflet [Wie setze ich meine Rechte gegenüber dem Jobcenter durch?](#) - How do I enforce my rights against the Jobcenter?

Chapter 18 | Benefits for people with little money

1. Visits to the doctor and medication

If you receive unemployment benefit II or income support and are covered by statutory health insurance, there are special hardship provisions and exemptions from co-payments for medical services for you and the members of your community at need. Corresponding benefits also apply to privately insured persons in the basic tariff ([Allgemeine Versicherungsbedingungen für den Basistarif](#)) (General Insurance Conditions for the Basic Tariff).

Hardship case regulation for dental prostheses

Upon application to your health insurance company, you are entitled to double the fixed subsidy (= 100 percent of the standard care), but at most to a subsidy in the amount of the actual costs incurred ([§ 55 SGB V](#)) (Sect. 55 Social Code V). If you choose a dental prosthesis that goes beyond the standard care, you must bear the additional costs yourself.

Exemption from co-payments for medications

Upon application to your health insurance company, you are exempt from co-payments in the current calendar year for the purchase of medications, for inpatient treatment in a hospital or for necessary ambulance services if you have reached the general co-payment limit of two percent of the annual requirement of standard requirement level 1 (12 x 449 euro) ([§ 62 Abs. 2 Satz 6 SGB V](#)) (Sect. 62 par.2 sentence 6 Social Code V). The co-payment limit in 2022 is 107.76 euro. For the chronically ill, a co-payment limit of one percent applies, i.e. 53.88 euro in 2022. Who is considered "chronically ill" is regulated by the so-called [Chroniker-Richtlinie](#) (Directive for chronically ill persons). The respective co-payment limit applies to the co-payments of all members of the community at need. Children and young people under the age of 18 are always exempt from all co-payments with the exception of travel expenses.

✓ **Our advice:** Collect all receipts and supporting documents regarding your co-payments and submit them to your health insurance company when you have reached your limit. The health insurance company will then issue you with a certificate of exemption from co-payment for the current calendar year.

Free contraceptives

Until your 20th birthday, you will receive free contraceptives on prescription as a service from your health insurance company ([§ 24a SGB V](#)) (Sect. 24a Social Code V). The legislator decided to raise the age limit to 22 in the course of 2019. All other persons who are registered in Berlin can apply to the Centres for Sexual Health and Family Planning to cover the costs of their contraceptives prescribed by a doctor, if they receive unemployment benefit II, income support or social assistance benefits or if they otherwise only have a low income. The centres operate throughout the city and are located in [Charlottenburg-Wilmersdorf](#), [Friedrichshain-Kreuzberg](#), [Marzahn-Hellersdorf](#), [Mitte](#) and [Steglitz-Zehlendorf](#).

2. Exemption from public broadcasting service fees

As a recipient of unemployment benefit II or income support, you can, upon application, be exempted from the obligation to pay public broadcasting service fees. Recipients of the supplementary child allowance and housing allowance can not be exempted. However, an exemption is possible in special hardship cases, for example if your applicable monthly income is less than 18.36 euro above the unemployment benefit II requirement ([§ 4 Abs. 6 und 7 Rundfunkbeitragsstaatsvertrag](#)) (Sect. 4 subsection 6 of the Interstate Agreement on Broadcasting Licence Fees). You can find out how your income is taken into account in Chapter 9 "How are incomes taken into account"). Further information can be found at www.rundfunkbeitrag.de. The information is available in many languages. A certificate for the service fee contribution is enclosed with your unemployment benefit II approval notification.

3. Exemption from the personal contribution for the purchase of learning materials in schools

In Berlin, primary schoolchildren receive all learning materials, especially textbooks, workbooks, dictionaries and atlases, free of charge as a loan from the school. At the secondary schools - from grade 7 onwards - parents have to contribute to the learning materials with a maximum of 100 euro per schoolchild and school year.

For example, if you receive Unemployment benefit II, housing benefit, child allowance, BAföG or asylum seeker benefits, you are exempt from paying the personal contribution. The school will provide your child with all required learning materials free of charge upon presentation of the Berlin-Pass BuT. The prerequisites for the benefit must be fulfilled at the beginning of the school year on August 1 of the year and must be proven to the school management, usually no later than four weeks before the start of the summer holidays. Further information can be found at:

<https://www.berlin.de/sen/bildung/unterricht/medien/lehr-und-lernmittel/>

4. Berlin Pass and more

If you receive unemployment benefit II or income support, you can get numerous discounts in Berlin. The Berlin Pass is often a prerequisite for this.

Berlin Pass

You can obtain your [Berlin-Pass](#) at [Bürgerämter](#) (public services offices) of the district offices. You will need the Jobcenter's notice and a passport photo. You will also need to present your identity card or passport. The Berlin-Pass is also available to recipients of the housing allowance, social assistance (Social Code XII) and benefits for asylum seekers. Receiving only the supplementary child allowance without the housing allowance is not enough.

* Please note the Corona special regulations on [Berlin-Pass and Berlin-Ticket S](#) in our online instructions "What currently applies when I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance?".

Berlin Ticket S (subsidized ticket)

If you have a Berlin Pass, you can get the personal BerlinTicket S for buses and city railroads for Euro 27.50 at all S-Bahn and Berliner Verkehrsbetriebe (BVG) points of sale. The ticket consists of the Berlin Pass with photo and the value coupon for the respective month. The discounted ticket is also available to people who receive the housing allowance.

Free schoolchildren ticket

Schoolchildren in Berlin can apply for a free schoolchildren ticket for public transport if they depend on public transport. For the AB fare zone, most schoolchildren can use the "fahrCard" as a travel authorization and order it at www.bvg.de/schuelerticket. Further details can be found in Chapter 7 in section 1.2 f) - School Transportation.

Family pass

For the price of six euro, you will receive attractive discounts on admission to public pools, concerts, cinemas, theatres, museums and many other facilities in and around Berlin for a whole year. There are also special offers for low-income families. Further information and the addresses of the sales outlets can be found at www.jugendkulturservice.de/de/ferien-und-familienzeit/berliner-familienpass.

Super holiday pass

For the price of nine euro, young people from Berlin up to and including the age of 18 have free admission to the outdoor and indoor swimming pools of the Berliner Bäder-Betriebe on all holiday days. The pass also gives you one-time free admission to the zoo and animal park or radio and television tower. Further information and the addresses of the sales outlets can be found at www.jugendkulturservice.de/de/ferien-und-familienzeit/super-ferien-pass.

Free participation in cultural events

The non-profit association Kulturleben Berlin finds available places for cultural events for people with low incomes free of charge. To find out more, go to: <https://kulturleben-berlin.de>.

3-euro ticket for cultural events

Numerous Berlin stages and concert halls offer tickets at a price of three euro for recipients of unemployment benefit II or income support if the performances are not sold out. More information at: www.berlin.de/sen/kultur/kulturpolitik/kulturelle-teilhabe/ermaessigungen

Using libraries free of charge

As a recipient of social benefits, you can use the Berlin libraries free of charge. There you can get not only books, but also daily newspapers and magazines, CDs or DVDs. Berlin's public libraries also give you the opportunity to access the Internet free of charge. Addresses and further information: <https://service.berlin.de/stadtbibliotheken/>

Adult Education Centres (VHS)

The Berlin VHS centres offer reduced course prices for numerous groups of people. More information at www.berlin.de/vhs/volkshochschulen/

Music schools

The fees may be reduced according to social circumstances. Make some enquiries in your music school. Addresses:

www.berlin.de/sen/kultur/kultureinrichtungen/musikschulen/adressen/

Save electricity

The Caritas campaign "Check to Save Electricity" helps people with low incomes to reduce their electricity consumption. In addition to information on saving energy, you will also receive energy-saving light bulbs or switchable plug connectors free of charge. You also get 100 euro for a new refrigerator if you want to replace your old one with an energy-saving model. Addresses:

www.stromspar-check.de/standorte/standorte-liste.html

Food for the home

If you have little money, you can get food once a week for one euro at one of the Berliner Tafel's food banks. Addresses: www.berliner-tafel.de/berliner-tafel

Discount markets and department stores

You can buy toys, reconditioned bicycles and much more for little money at the discount markets of Goldnetz. Addresses: www.goldnetz-berlin.org/sozialmarkt.htm. Clothing, household goods, furniture and electrical appliances are available at low prices in the discount department stores. Addresses: Enter "Sozialkaufhaus Berlin" in your search engine.

Chapter 19 | Where can you find advice and support?

1. Unemployment benefit II consultation

You will find a selection of independent counselling services regarding unemployment benefit II and income support in the Berlin districts on our website www.beratung-kann-helfen.de under the menu "Beratung " (Counselling). Under the same menu you will also find an overview of social services concerning many other subjects.

The locations of our mobile unemployment benefit II consultation bus can be found at www.beratung-kann-helfen.de. From April to October, our consultation bus is parked directly in front of one of Berlin's Jobcenters.

Free tenant counselling is available once a month at [Sozialdiakonischen Wohnungsnotfallhilfe Schöneberg](#) by appointment (phone: (0 30) 21 96 98 30).

The consultation is free of charge, confidential and anonymous, if you wish. Please bring the necessary documents to your appointment.

2. Advice on your rights as a tenant

All Berlin districts offer free initial counseling for tenants in their district. Information on counseling locations and times can be found at <https://stadtentwicklung.berlin.de/wohnen/mieterberatungen.shtml>.

Tenants from Kreuzberg-Friedrichshain can turn to the Asum Association if they have any questions regarding tenancy law. The advice is free of charge. More information at: www.asum-berlin.de/mieterberatung

Free tenant counselling is available once a month at [Sozialdiakonische Wohnungsnotfallhilfe Schöneberg](#) by appointment (phone: (0 30) 21 96 98 30).

Getting advice from the Berliner Mieterverein or the Berliner Mietergemeinschaft requires that you are a member of that association. People receiving benefits under the provisions of Social Code II and XII are charged a reduced membership fee. In individual cases the Jobcenter takes over the costs for the membership (see Chapter 5 in section 3.4 e) - membership in a tenant association).

3. Debt counselling

Recognized counselling centres

This is where over-indebted persons can get professional and free advice. www.berlin.de/sen/soziales/besondere-lebenssituationen/schuldner/anerkannte-beratungsstellen/

Energy debt

The Berlin Consumer Advice Centre offers advice on energy debt. www.verbraucherzentrale-berlin.de/energie/energieschuldenberatung-25165

4. Advice on pregnancy, maternity and family

General pregnancy counselling

The counselling centres will inform you about maternity leave and maternity benefit, the parental allowance and child allowance, benefits for single parents and the unemployed as well as health insurance benefits during pregnancy and after childbirth. More at:

www.berlin.de/sen/gesundheit/themen/schwangerschaft-und-kindergesundheit/schwangerschaft-und-familienplanung/allgemeine-schwangerenberatung

Abortion counselling

Abortion counselling helps pregnant women who are distressed or conflicted. The counselling is required under German law so that an abortion can be carried out without penalty. More at:

www.berlin.de/sen/gesundheit/themen/schwangerschaft-und-kindergesundheit/schwangerschaft-und-familienplanung/schwangerschaftskonfliktberatung

Help for Families foundation

Pregnant women and families in Berlin can receive benefits from the "Stiftung Hilfe für die Familie" (Help for Families Foundation) in addition to unemployment benefit II and income support.

Help for pregnant women: www.stiftunghilfe.de/index.php?id=50

Help for families: www.stiftunghilfe.de/index.php?id=67

Centres for sexual health and family planning

These centres provide advice on pregnancy, family planning, marriage and partnership as well as on sexually transmitted infections, including HIV and AIDS. The centers are located in Charlottenburg-Wilmersdorf, Friedrichshain-Kreuzberg, Marzahn-Hellersdorf, Mitte and Steglitz-Zehlendorf: <https://service.berlin.de/standorte/gesundheitsaemter>

5. Assistance in case of impending or existing homelessness

You can get help if you are threatened with the loss of your home or if you no longer have a home or other housing.

Social housing assistance of the districts

The responsible local authority is the Social Welfare Office of the district in which you live. Separate regulations apply to persons without a permanent residence or registered address in Berlin.

Locations: <https://service.berlin.de/standorte/sozialaemter>

Independent counselling centres

- Counselling centre for people in need of housing
Levetzowstraße 12a, 10555 Berlin, Telephone: (030) 3 90 47 40
www.wohnungslos-berlin.de
- GEBEWO pro - counselling centre for housing emergencies and securement of livelihood
Taborstr. 17, 10997 Berlin, Telephone: (0 30) 53 15 68 50
www.gebewo-pro.de/beratungsstelle
- Immanuel Beratung Lichtenberg
Counselling centre
Bornitzstrasse 73-75, Buidling B, 10365 Berlin, Phone: (0 30) 5 50 09 118
<https://beratung.immanuel.de/wo-wir-sind/berlin-lichtenberg/wohnhilfen/>

Guide by Kältehilfe (help in cold weather) Berlin

Addresses of places to stay overnight in an emergency, of night cafés, day centres, meeting points, soup kitchens and medical care facilities for the homeless, counselling, clothing depots, hygiene. There is also a free cold weather assistance app available for [iOS](#) and [Android](#). www.kaeltehilfe-berlin.de

6. Migration counselling

Do you need help in finding a suitable language course? Do you have questions about official documents you receive from government agencies? Do you need help in finding a school, an apprenticeship or a job?

Willkommenszentrum (Welcome Centre) Berlin

This is your first stop if you have questions regarding your residence permit and rights under Germany's social law, access to the labour market as well as training and further education opportunities. Advice is provided in many languages. Address: Potsdamer Straße 65, 10785 Berlin, Telephone: (0 30) 90 17 23 26

Website in nine languages: www.berlin.de/willkommenszentrum

Counselling centres of the welfare associations

The counselling centres inform, advise and help you with all questions. Depending on the Centre, the counselling services can also be provided in Arabic, French, Italian, Polish, Russian, Spanish and Turkish.

Overview of services in the Berlin districts:

www.berlin.de/labour/assets/zuwanderung/beratung-liga-wohlfahrtsverbaende.pdf

Berliner Beratungszentrum für Migration und Gute Arbeit BEMA (Berlin Counselling Centre for Migration and Good Work BEMA)

BEMA supports migrant workers in exercising their labour and social rights. BEMA provides advice in 13 different languages. More information at: www.bema.berlin

Refugee Council Berlin

Helpful hints on questions of immigration and social law as well as a comprehensive address book with refugee counselling centres in Berlin: www.fluechtlingsrat-berlin.de. The [Asylberatungs-Infoblatt](#) (Asylum Counselling Information Sheet) contains counselling centres for migrants who have problems with their residence permit.

7. Counselling for people without health insurance

The [Clearingstelle der Berliner Stadtmission](#) (Clearing Office of the Berlin City Mission) advises people without residence papers, people from EU countries and third countries as well as Germans without sufficient health insurance coverage. During the consultation, you can have it clarified whether you can get access to health insurance. The consultation is free of charge, confidential and multilingual. Contact us: Lehrter Strasse 68 (near main station), telephone: (0 30) 6 90 33 59 72.

Medibüro Berlin arranges anonymous and free treatment by qualified medical staff for people without residence status and without health insurance. More information at: <https://medibuero.de>.

Through the Malteser Hilfsdienst, people without health insurance can also find doctors and health care professionals who will perform the initial examination and provide emergency care in case of sudden illness, injury and pregnancy. More information at: www.malteser-berlin.de/angebote-und-leistungen/medizin-fuer-menschen-ohne-krankenversicherung.

8. Continuing education counselling

Our Internet platform www.beratung-kann-helfen.de/beratung/beratungstellen/weiterbildung offers you an overview of the counselling centres for continuing vocational training funded by the State of Berlin.

Specific counselling services

The [Jugendberufsagentur Berlin](#) (Berlin Youth Careers Agency) advises and supports **young people between the ages of 15 and 25** at twelve locations in finding the right apprenticeship or course of study.

Women can also obtain advice on questions of professional reorientation and further training via the free support hotline 0800 4 54 02 99 (Monday to Friday from 10 a.m. to 4 p.m.). You can find out more about "Counselling Network Career Perspectives for Women" at <https://www.frauen-berufsperspektive.de/beratungstelefon>.

People with disabilities and people threatened by disabilities can make use of the "Supplementary independent participation counselling" (EUTB) on issues of rehabilitation and participation. The EUTB is funded by the Federal Ministry of Labour and Social Affairs (BMAS). Addresses of counselling centres in Berlin can be found at www.teilhabeberatung.de/beratung/beratungsangebote-der-eutb.

ANNEX

I. Reasonable total expenditure for housing and heating costs in Berlin as of 1 January 2022

Please note: As long as you are receiving All II, your gross rent (excluding heating costs) must not exceed the reference value (column 2) and your heating costs must not exceed the limit (column 4) - with additions and deductions if necessary. For existing tenancy agreements, your rent (gross rent (excl. heating and hot water) and heating expenses) is paid in full by the Jobcenter if it does not exceed the values of the total expenses allowed (columns 5 to 7).

* Please note the Corona special regulations on [costs for accommodation and heating](#) in our online information "What currently applies if I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance?".

For heating oil (including district hot-water supply)

Size of community at need Number of persons	Gross rent (excl. heating and hot water) reference value per month in euro	Building area in m ²	Threshold value heating costs per month in euro	Permissible total expenditure per month in euro		
				Sum of Columns 2 and 4	Including relocation avoidance allowance (10%)	Including relocation avoidance allowance and hardship allowance (10% each)
1	426,00	100-250	75.50	501,50	544,10	586,70
		251-500	73.50	499,50	542,10	584,70
		501-1000	71.50	497,50	540,10	582,70
		> 1000	69.50	495,50	538,10	580,70
2	515,45	100-250	98.15	613,60	665,15	716,69
		251-500	95.55	611,00	662,55	714,09
		501-1000	92.95	608,40	659,95	711,49
		> 1000	90.35	605,80	657,35	708,89
3	634,40	100-250	120.80	755,20	818,64	882,08
		251-500	117.60	752,00	815,44	878,88
		501-1000	114.40	748,80	812,24	875,68
		> 1000	111.20	745,60	809,04	872,48
4	713,70	100-250	135.90	849,60	920,97	992,34
		251-500	132.30	846,00	917,37	988,74
		501-1000	128.70	842,40	913,77	985,14
		>1000	125.10	838,80	910,17	981,54
5	857,82	100-250	154.02	1011,84	1097,62	1183,40

		251-500	149.94	1007,76	1093,54	1179,32
		501-1000	145.86	1003,68	1089,46	1175,24
		>1000	141.78	999,60	1085,38	1171,16
for each additional person	100,92	100-250	18.12	119,04	129,13	139,22
		251-500	17.64	118,56	128,65	138,74
		501-1000	17.16	118,08	128,17	138,26
		>1000	16.68	117,60	127,69	137,78

Reduction from limit value for heating costs for decentralised hot water supply

Size of the community at need	Deduction in euro per month
1 person	7
2 persons	9
3 persons	11
4 persons	12
5 people	14
for each additional person	2

For natural gas (including district hot-water supply)

Size of community at need Number of persons	Gross rent (excl. heating and hot water) reference value per month in euro	Building area in m ²	Threshold value heating costs per month in euro	Permissible total expenditure per month in euro		
				Sum of columns 2 and 4	Including relocation avoidance allowance (10%)	Including removal avoidance allowance and hardship allowance (10% each)
1	426,00	100-250	71.00	497,00	539,60	582,20
		251-500	66.00	492,00	534,60	577,20
		501-1000	61.50	487,50	530,10	572,70
		>1000	58.50	484,50	527,10	569,70
2	515,45	100-250	92.30	607,75	659,30	710,84
		251-500	85.80	601,25	652,80	704,34
		501-1000	79.95	595,40	646,95	698,49
		>1000	76.05	591,50	643,05	694,59
3	634,40	100-250	113.60	748,00	811,44	874,88
		251-500	105.60	740,00	803,44	866,88
		501-1000	98.40	732,80	796,24	859,68
		>1000	93.60	728,00	791,44	854,88

4	713,70	100-250	127.80	841,50	912,87	984,24
		251-500	118.80	832,50	903,87	975,24
		501-1000	110.70	824,40	895,77	967,14
		>1000	105.30	819,00	890,37	961,74
5	857,82	100-250	144.84	1002,66	1088,44	1174,22
		251-500	134.64	992,46	1078,24	1164,02
		501-1000	125.46	983,28	1069,06	1154,84
		>1000	119.34	977,16	1062,94	1148,72
for each additional person	100,92	100-250	17.04	117,96	128,05	138,14
		251-500	15.84	116,76	126,85	136,94
		501-1000	14.76	115,68	125,77	135,86
		>1000	14.04	114,96	125,05	135,14

Reduction from limit value for heating costs for decentralised hot water supply

Size of the community at need	Deduction in euro per month
1 person	7
2 persons	9
3 persons	11
4 persons	12
5 people	14
for each additional person	2

For apartments in **public housing construction** (1st subsidy channel), 10% higher reference values apply for the gross rent (excl. heating and hot water).

For district heating (including district hot-water supply)

Size of community at need Number of persons	Gross rent (excl. heating and hot water) reference value per month in euro	Building area in m ²	Threshold value heating costs per month in euro	Permissible total expenditure per month in euro		
				Sum of columns 2 and 4	including removal avoidance allowance (10%)	including removal avoidance allowance and hardship allowance (10% each)
1	426,00	100-250	94,00	520,00	562,60	605,20
		251-500	87,50	513,50	556,10	598,70
		501-1000	82,00	508,00	550,60	593,20
		>1000	78,50	504,50	547,10	589,70
2	515,45	100-250	122.20	637,65	689,20	740,74

		251-500	113.75	629,20	680,75	732,29
		501-1000	106.60	622,05	673,60	725,14
		>1000	102.50	617,50	669,05	720,59
3	634,40	100-250	150.40	784,80	848,24	911,68
		251-500	140.00	774,40	837,84	901,28
		501-1000	131.20	765,60	829,04	892,48
		>1000	125.60	760,00	823,44	886,88
4	713,70	100-250	169.20	882,90	954,27	1025,64
		251-500	157.50	871,20	942,57	1013,94
		501-1000	147.60	861,30	932,67	1004,04
		>1000	141.30	855,00	926,37	997,74
5	857,82	100-250	191.76	1049,58	1135,36	1221,14
		251-500	178.50	1036,32	1122,10	1207,88
		501-1000	167.28	1025,10	1110,88	1196,66
		>1000	160.14	1017,96	1103,74	1189,52
for each additional person	100,92	100-250	22.56	123.48	133.57	142.10
		251-500	21.00	121.92	132.01	142.10
		501-1000	19.68	120,60	130.69	140.78
		>1000	18.84	119.76	129.85	139.94

Reduction from limit value for heating costs for decentralised hot water supply

Size of the community at need	Deduction in euro per month
1 person	7
2 persons	9
3 persons	11
4 persons	12
5 people	14
for each additional person	2

For apartments in **public housing construction** (1st subsidy channel), 10% higher reference values apply for the gross rent (excl. heating and hot water).

II. Sources and documents

Laws and regulations

All laws and ordinances mentioned in the text can be found in their current version at www.gesetze-im-internet.de. Under the heading "Title search", enter the name or abbreviation of the respective law or ordinance.

The Residence Act and the Freedom of Movement Act/EU are also filed there in an English version, but not in the current version.

The General Administrative Regulations (AVV) for the Freedom of Movement Act/EU can be found at www.verwaltungsvorschriften-im-internet.de/bsvwvbund_03022016_MI12100972.htm.

Decisions of German courts

Many decisions of German social courts (from all three instances) are available in the database at www.sozialgerichtsbarkeit.de and decisions of the Federal Social Court starting 2010 at www.rechtsprechung-im-internet.de. If you know the file number of the decision, enter it in the search mask of the database <https://www.sozialgerichtsbarkeit.de/>. Current decisions of the Federal Social Court are provided on the website www.bsg.bund.de.

Some decisions of the Berlin Social Court and the Berlin-Brandenburg State Social Court can be accessed in the Berlin State Case Law Database at: <https://gesetze.berlin.de/bsbe/search> (there, first click on the arrow to the left of the link "Rechtsprechung" (Case Law), then in the opened list click on the arrow next to "SO Sozialgericht" (SO Social Court) and then "SO-2 Grundsicherung für Arbeitssuchende" (SO-2 basic income support for job seekers).

Order of the Federal Employment Agency

Reachability order (EAO)
https://con.arbeitsagentur.de/prod/apok/ct/dam/download/documents/dok_ba013034.pdf

Administrative regulations

The State of Berlin, together with the Federal Employment Agency (BA), form so-called joint institutions, the Jobcenters, in the Berlin districts. As providers of basic income support for job seekers, the State of Berlin and the BA issue administrative regulations ("Weisungen/directives") for their employees for the respective area of responsibility defined in [§ 6 Abs. 1 SGB II](#) (Sect. 6 par. 1 Social Code II).

Directives of the Senate of Berlin

You will find the current versions of all the Berlin administrative regulations mentioned in the text on our consulting platform at: www.beratung-kann-helfen.de/service-und-infos/gesetze-und-co. Social courts are not bound by the internal instructions of the authorities.

Directives of the Federal Employment Agency (BA)

The directives reflect the legal opinion of the Federal Employment Agency (BA) on individual legal norms. BA employees must comply with these instructions. The social courts are not bound by the instructions. Since the information on the directives and changes on the BA's website frequently changes, you will find the links better on our advisory platform: www.beratung-kann-helfen.de/service-und-infos/gesetze-und-co.

The Federal Employment Agency also offers the knowledge database for selected questions:

www.arbeitsagentur.de/veroeffentlichungen/wissensdatenbank-sgbii.

Directive 201611028 of 21 November 2016 (interpretation/translation services)
https://con.arbeitsagentur.de/prod/apok/ct/dam/download/documents/Weisung201611028_ba014503.pdf

Directive 201806011 vom 20 June 2018 (confirmation of receipt)
www.arbeitsagentur.de/datei/Weisung-201806011_ba018017.pdf

Directives 201912003 vom 03 December 2019 (sanctions)
www.arbeitsagentur.de/datei/ba900098.pdf

European and international Law

European Convention on Social and Medical Assistance (ECSMA)

- In German language: <https://rm.coe.int/168006379f>
- In English language: <https://rm.coe.int/16800637c2>
- In French language: <https://rm.coe.int/16800637f1>
- In Russian language: <https://rm.coe.int/168006380f>

Regulation (EC) 883/2004 on the coordination of social security systems

<https://eur-lex.europa.eu/eli/reg/2004/883/2014-01-01>

(in all major European languages)

Regulation (EU) 492/2011 on freedom of movement for workers within the Union

<https://eur-lex.europa.eu/eli/reg/2011/492/oj?locale=de> (in all major European languages)

German-Austrian Agreement on Welfare and Youth Welfare of 17 January 1966
www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008233

Decision No 1/80 of the EEC/Turkey Association Council on the development of the Association of 19 September 1980 (in short: ARB 1/80) <https://www.migrationsrecht.net/kommentar-arb1-80-assoziationsratsbeschluss-ewg-tuerkei-arb-1/80.html>

Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (in short: Withdrawal Agreement) <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1580206007232&uri=CELEX%3A12019W/TXT%2802%29>

III. Further information

Applications, instructions for filling in and information sheets of the Federal Employment Agency

The download centre or the website "Forms A-Z" of the Federal Employment Agency gives you access to applications and forms on the topics of unemployment benefit, unemployment benefit II, self-employment, short-time work and insolvency benefit. You can also use the link to download information sheets and filling instructions. Many applications, leaflets and instructions for filling in the form, in particular on unemployment benefit II/social benefit, are also available in other languages.

Download Centre of the Federal Employment Agency:
www.arbeitsagentur.de/arbeitslos-arbeit-finden/download-centre-arbeitslos

Forms A – Z: www.arbeitsagentur.de/formulare-a-z

Information from the Federal Office for Migration and Refugees (BAMF)

Integration courses

- In German language:
www.bamf.de/DE/Willkommen/DeutschLernen/Integrationskurse/integrationskurse-node.html
- In English language:
www.bamf.de/EN/Themen/Integration/ZugewanderteTeilnehmende/Integrationskurse/integrationskurse-node.html

Professional language courses

- In German language:
www.bamf.de/DE/Willkommen/DeutschLernen/DeutschBeruf/Bundesprogramm-45a/bundesprogramm-45a-node.html
- In English language:

www.bamf.de/EN/Themen/Integration/ZugewanderteTeilnehmende/DeutschBeruf/deutsch-beruf.html?nn=282656

Practical guide of the Federal Ministry of Labour and Social Affairs

Social security at a glance

The Federal Ministry of Labour and Social Affairs publishes the brochure "Social Security at a Glance". It deals with pension, health, care and accident insurance, employment promotion, labour law and child-raising benefits, the rehabilitation of handicapped people, housing benefit and income support.

The practical guide is also available for download in English, French, Italian, Spanish and Turkish: www.bmas.de/DE/Service/Publikationen/a721-soziale-sicherung-ueberblick.html

Information from various federal ministries on the topic of "Brexit"

Notes on the right to work and social security benefits:

https://www.bmas.de/SharedDocs/Downloads/DE/Internationales/faq-brexit.pdf?__blob=publicationFile&v=1

Information for British nationals and their family members on the right of residence under the Withdrawal Agreement:

<https://www.bmi.bund.de/SharedDocs/faqs/DE/themen/verfassung/brexit/faq-s-brexit.html>

Non-governmental, independent information providers

Tacheles e.V. (reg. association)

The website of the independent Wuppertal Association of Unemployed Tacheles e.V. offers, among other things, information about changes in law and current court decisions in a case law ticker. The newsletter of Harald Thomé is recommendable and can be called up or subscribed to on the website <https://tacheles-sozialhilfe.de>.

Koordinierungsstelle gewerkschaftlicher Arbeitslosengruppen (Koos - coordination office of trade union groups of unemployed persons)

Information on "Hartz IV" and other social law topics can be found on the website of the coordination office of trade union groups of unemployed persons of Förderverein gewerkschaftlicher Arbeitslosenarbeit e.V. (Association for the Promotion of Trade Union Unemployment Work). The following address database for counseling centres on unemployment in Germany is helpful: www.erwerbslos.de

This practical guide is available for free download at
www.beratung-kann-helfen.de/algii-ratgeber.

You can currently download the practical guide in the following languages in addition to German:

Arabic, Bulgarian, English, Italian, Polish, Romanian, Spanish and Turkish.

Our information "What is currently valid when I apply for unemployment benefit II ("Hartz IV") or supplemental child allowance?" is updated regularly and is available for download in German and English at the Internet address specified above.

Berliner Arbeitslosenzentrum evangelischer Kirchenkreise e.V. (BALZ)

Berlin Unemployment Centre of Protestant Church Districts e.V. (BALZ)

Office (no consultation)

Kirchstr. 4, 14163 Berlin, Germany

Phone: (0 30) 2 00 09 40 15

vorstand@berliner-arbeitslosenzentrum.de

www.berliner-arbeitslosenzentrum.de

www.beratung-kann-helfen.de

Member of Landesarmutskonferenz Berlin

