



# Citizen's Benefit in Berlin

**Citizen's benefit, basic income  
support for jobseekers**

**With detailed information about**

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

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**BALZ**  
BERLINER ARBEITSLSENZENTRUM

**Diakonie**   
Berlin-Brandenburg-  
schlesische Oberlausitz

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## Greeting



### Dear readers and those seeking advice,

Article 1 of the German Basic Law establishes respect for human dignity as the supreme good of our society. State action must be guided by this rule. In concrete terms, this means that all people have the right to a minimum level of participation in society and to a minimum standard of living. In recent years, unemployment benefit II, also known colloquially as “Hartz 4,” was introduced for this purpose. At the beginning of this year, unemployment benefit II was replaced by the citizen’s benefit.

The introduction of the citizen’s benefit is a huge step forward. In contrast to unemployment benefit II, the citizen’s benefit focuses more on education and training. The citizen’s benefit is intended to ensure counseling at level playing field and to reduce existential fears. But such a comprehensive reform of the welfare state also means extensive changes in the administrative process.

To ensure that the new citizen’s benefit also leads to better counseling, it is important that rights, offers and innovations are known. The Berlin Unemployment Center (BALZ) has been doing important work on this issue for years, providing information on what to consider when claiming your rights with the Job-center. Since 2016, the Senate Department for Labor, Social Affairs, Equality, Integration, Diversity and Anti-Discrimination has provided financial support to BALZ.

This guide is the result of many years of experience at BALZ and provides comprehensive advice before you go to the authorities. BALZ is an independent counseling center for the unemployed throughout Berlin. The particular strength of this guide is that it focuses on the regulations and opportunities in Berlin. I am pleased that the guide is also published in English. It will also be a great help to some people who have just arrived here.

BALZ and citizen’s benefit have one thing in common: they want to help you stand on your own feet. Sometimes this happens more quickly and sometimes less quickly. Every placement in a suitable job is a success that everyone involved can be proud of. Getting back on your feet is not always easy, but it is possible. I wish you all the best!

Ms Cansel Kiziltepe

Senator for Labor, Social Affairs, Equality, Integration, Diversity and Anti-Discrimination

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## Author

Roger Brock

## Editors

Lukas Schramm, Frank Steger und Monika Zink-Anastasiades  
 Giulia Borri has also reviewed passages concerning residence and law on foreign nationals.

## Legal review

Antje Krüger, attorney  
 Käthe-Niederkirchner-Str. 6, 10407 Berlin, Phone: (0 30) 54 59 27 49  
[www.sozialrecht-krueger.de](http://www.sozialrecht-krueger.de)

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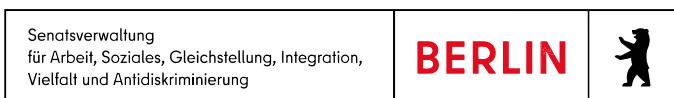
## Layout

[www.fred-michael-sauer.de](http://www.fred-michael-sauer.de)

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## Editorial notes

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.

Regulations that expire after 30 June 2023 are printed in blue.

## Foreword

### Dear readers,

The new “citizen’s benefit” has been in place since 1 January 2023. It continues the system of “Hartz IV” and at the same time includes some changes and improvements compared to the previous regulations on the “Hartz IV” benefits “unemployment benefit II” and “social benefit”.

Like “Hartz IV,” the citizen’s benefit remains a legally complex and highly complicated set of rules. Even with the citizen’s benefit, it is difficult to keep track of everything. But it is important to be well informed. After all, the citizen’s benefit is about the subsistence level. In Berlin, half a million people receive this basic or minimum income benefit.

With this guide, we want to inform you about your rights and what you should know and consider when dealing with the authorities so that you can get your rights. If there is something you do not understand or do not fully understand, or if you have further questions, then seek advice. Advice centers will provide you with information, review your notices, and help you draft letters and appeals.

Addresses of advice centers on the citizen’s benefit and other topics such as debt, pregnancy, mental crises, housing shortages or migration can be found via our advice platform [www.beratung-kann-helfen.de](http://www.beratung-kann-helfen.de) and in chapter 19 at the end of the guide.

Berlin is a colorful metropolis. Hundreds of thousands of people with citizenship other than German live in our city. To ensure that we also reach some of these Berliners, we have had this brochure translated into English.

The text was compiled to the best of our knowledge and with great care. Nevertheless, we cannot assume any liability for the correctness 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 the Berliner Arbeitslosenzentrum evangelischer Kirchenkreise e. V. (BALZ), Kirchstr. 4, 14163 Berlin or e-mail us at [info@berliner-arbeitslosenzentrum.de](mailto:info@berliner-arbeitslosenzentrum.de).

Sincere thanks to all who have contributed to this guide or made it possible through funding!

We wish you helpful reading

Dr. Kai Lindemann  
Chairman of BALZ

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## List of abbreviations

par. = paragraph
Alg II = Unemployment benefit II
Art. = Article
AsylbLG = Asylum Seekers' Benefit Act
AufenthG = Residence Act
AV = Implementation orders
AVV = General administrative regulation
BA = Federal Employment Agency
BAB =Vocationale Training Allowance
BAföG = Federal Training Assistance Act (student loan)
BG = Community of needs
BKGG = Federal Child Benefit Act
BSG = Federal Social Court
BuT = Education and participation
BVerfG = Federal Constitutional Court
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
e.V. = registered association
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)
VAG = Insurance Supervision Act
VVG = Insurance Contract Act

# Chapter 1 | What is basic income support for jobseekers? What is citizen's benefit?

## 1. The socio-cultural minimum subsistence

Basic income support for jobseekers and the citizen's benefit are part of the tax-financed system of basic or minimum state income benefits in Germany. Basic income benefits are intended to secure the "socio-cultural subsistence minimum" for persons who are unable to support themselves out of their own resources and efforts and who are deemed to be "in need of assistance" in this respect.

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 also required to use their labour force to reduce or 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 \(1\)](#) and the welfare state requirement pursuant to [Article 20 \(1\) 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.

## 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. The introduction of a further minimum benefit, the basic child benefit, is envisaged by the German government for 2025.

### 2.1 Citizen's benefit, basic income support for jobseekers

The legal basis for basic income support for jobseekers is the Social Code (SGB) II. It includes benefits to secure subsistence and benefits for integration into work. The benefits to secure subsistence include the citizen's benefit, benefits for education and participation, and various one-time benefits. The most important subsistence benefit in SGB II is the citizen's benefit.

The term "citizen's benefit" will replace the previous designations for the benefits "unemployment benefit II" ("Alg II" or also known as "Hartz IV") and "social benefit" from 1 January 2023. Until 30 June of this year, the authorities may still use the old designations in their forms and notices.

The Citizen's Benefit Act, which will come into force in stages on 1 January and 1 July 2023, provides numerous material improvements for those entitled to benefits compared to the previous legal situation. However, this has not silenced criticism of the basic income support for jobseekers (more on this in this Chapter in section 4 "The new citizen's benefit - the old criticism remains").

In order to claim citizen's benefit, applicants must be in particular need of help and *capable of gainful employment*. And many persons who are also not capable of gainful employment, for example children under the age of 15, receive citizen's benefit 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 "Citizen's benefit for persons able to work and persons not able to work".

If these conditions are met, foreign citizens living in Germany (hereinafter referred to as “foreigners”) are generally entitled to citizen’s benefit in the same way as Germans.

## Good to know:

You do not have to be unemployed to receive citizen’s benefit. 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. Differences compared to unemployment benefit

Citizen’s benefit 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 citizen’s benefit.

## Our advice:

If you have previously worked as an employee in another EU, EEA country 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.

## 4. The Citizen’s benefit is coming – the old criticism remains

Welfare organizations such as Diakonie Deutschland and the Paritätische Wohlfahrtsverband have long criticized the methods used to calculate standard needs. Even after the introduction of the citizen’s benefit, according to Diakonie in its statement on the Citizen’s Benefit Act, a proper calculation of the standard needs is not ensured: “Basically, the old, factually incorrectly calculated standard rates remain in place” (Diakonie statement, p. 1).

The criticism voiced by the associations when the standard needs were recalculated in 2021 remains valid. At that time, the Paritätische Wohlfahrtsverband had criticized that expenses that are usually incurred in the lower income strata of the population were wrongly not taken into account by the legislator when calculating the standard needs, for example, expenses for household and liability insurance,

cut flowers and houseplants, pets, travel or the purchase or use of a car or motorcycle ([Expertise Re-gelsatz 2021](#), (expert opinion on standard need) various pages; on the Diakonie's criticism of the standard needs 2021, see: [www.diakonie.de/pressemeldungen/hartz-iv-saetze-lebensnah-berechnen-diakonie-stellt-alternativ-modell-vor](http://www.diakonie.de/pressemeldungen/hartz-iv-saetze-lebensnah-berechnen-diakonie-stellt-alternativ-modell-vor)). Diakonie has long pointed out that the electricity costs in the reference households are still not calculated correctly and are underreported in the standard needs ([statement](#), p. 11).

The social associations also describe the statutory mechanism for annual increases in standard needs as inadequate. The mechanism continues to take into account only price increases in the past and is “not in a position to react promptly to the dynamic changes in prices”. As a result, in the event of significant price increases in the course of a calendar year, the subsistence level could be called into question ([Fachinfo des Paritätischen, 6 January 2023](#); (expert information) similarly, Diakonie in its [statement](#), p. 1).

The significant adjustment of the standard rates as of 1 January 2023, by 53 euros for single persons, is welcomed by the social associations. However, in view of the rapidly rising prices, especially for energy and food, this increase, according to the Paritätische, does not represent an improvement in the standard of living, but merely an adjustment to the increased cost of living over the past twelve months. In fact, the standard needs of the basic income support would have to be increased to a much greater extent in order to secure the socio-cultural minimum subsistence level. The Paritätische is currently calling for an increase in the standard need for single persons to 725 euros per month ([press release dated 9 November 2022](#)).

The associations are also critical of the sanctions for beneficiaries. The Diakonie welcomes the fact that “the previous rigid sanction regulations have at least been softened and that more case-by-case decisions are possible”. On the other hand, however, the contradiction remains that “reductions” interfere with the subsistence level and exacerbate the deficiency situation of those entitled to benefits. Diakonie Deutschland therefore fundamentally rejects sanctions on basic subsistence benefits ([statement](#), p. 12).

## 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. The burden of proof for the receipt of the application lies with the applicant.

#### Our advice:

You should always have oral requests confirmed in writing. This way, you can later prove that you submitted an application and when. Ask for a receipt when you submit applications to the Jobcenter in person. The Federal Employment Agency has recommended in a [circular](#) that Jobcenters issue confirmations of receipt if this is requested. When sending by mail, we recommend using the Einwurfeinschreiben (simple registered mail) in case of doubt, sending by simple letter post is not sufficient. For online or e-mail applications, you should make sure that the receipt of your application is confirmed.

To ensure that your application can be processed quickly, it is recommended that you use the application documents provided by the Federal Employment Agency (BA).

To apply for benefits online, use the corresponding offers on the website of the Federal Employment Agency for [initial applications](#) and for [applications for continued benefits](#). You can also download the

application form, the instructions for completing the application (in several languages), and the attachments from the [Download Center](#) (scroll down in the Download Center) and print them out.

## Our advice:

Do not let yourself turn down when you apply if the Jobcenter staff think you are not entitled to citizen's benefit. Jobcenters are required to accept your application. Always make a copy for yourself of applications you submit to the Jobcenter.

## Good to know:

If you need help filling out your citizen's benefit application or have questions about individual points of your application, you can contact a [social counselling center](#) near you.

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.

As a general rule, an application for subsistence benefits shall have retroactive effect from the first day of the calendar month in which the application is filed ([Section 37 \(2\) SGB II](#)) (Sect. 37 Social Code II). 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.

If an application for benefits to secure subsistence is submitted for only one month because an additional payment to the landlord based on the annual heating bill or an invoice from a heating fuel supply in a single-family house is due, a special rule applies temporarily: The application takes effect back to the first

of the due month if no more than three months have passed since the end of the due month. As a rule, the due month is the month in which the invoice is to be paid at the latest. The regulation is only applicable to applications submitted by 31 December 2023 ([Section 37 \(2\) SGB II](#)) (Sect. 37 (2) Social Code II).

**Example:** *Family K. has not been needy so far and receives the annual heating bill in August 2023 with a high demand for additional payment from the landlord. The payment deadline is set for 15 September 2023. It is not until the following December that Mr. K. learns that he can receive financial assistance from the Jobcenter for the heating cost arrears. He submits a corresponding application to the responsible Jobcenter in December.*

**Result:** *Since the K. family is only in need in September 2023 due to the high heating cost arrears payment, their application takes effect back to 1 September.*

## Please note:

Some 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) are not covered by the citizen's benefit application. To get benefits for these needs, a separate application must be submitted.

## 2. Where is your local Jobcenter?

The Jobcenter in the Berlin district in which you have your usual residence ([§ 36 \(1\) SGB II](#)) (Sect. 36 (1) 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.

If you have actually moved your center of life - and not only temporarily or on a visit basis - to a place other than your place of residence (registration address), this place can also establish habitual residence ([§ 30 Abs. 3 Satz 2 SGB I](#)) (Section 30 (3) sentence 2 Social Code I).

For homeless persons who have their habitual residence in Berlin, the last registration under the registration law in a Berlin apartment is considered "residence". Homeless persons without a registration entry in Berlin or with the entry of a Berlin registration address that does not establish responsibility according to the implementation regulations are generally assigned to one of the twelve Berlin Jobcenters according to their month of birth (see table in [Section III, Number 2 of the AV Zuständigkeit Soziales](#) – Section III No. 2 of the implementation order social affairs matters).

Persons who change from the Social Welfare Office to the Jobcenter after their asylum procedure has ended and who are accommodated in shared accommodations of the State Office for Refugee Affairs (LAF) (not: initial reception facilities according to Section 44 Asylum Act) must contact the Jobcenter in the district in which their shared accommodation is located. The responsibility changes when these persons move into their own apartment or to a new registration address in another Berlin district ([Section III, Number 1.1 of the AV Zuständigkeit Soziales](#) – Section III No. 1.1 of the implementation order social affairs matters).

### Persons with residence requirements

For persons granted asylum, subsidiary protection or a residence permit for humanitarian reasons who received their residence permit after January 1, 2016, a residence requirement applies for a period of three years from the recognition or granting of the residence permit. They will then only receive benefits from a Jobcenter in the federal state where they were assigned to complete the asylum procedure. This can also be a specific 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 ([Section 36 \(2\) SGB II](#) in conjunction with [Section 12a \(1\) to \(4\) AufenthG](#)). Which regulation exists can mostly be seen from the recognition and residence documents.

Exceptions to residence assignment apply if, for example, if applicants take up or have taken up vocatio-

nal training or employment subject to social insurance contributions of at least 15 hours per week for a period of at least three months to a financial extent defined by law. Further exceptions exist, for example, when starting or carrying out an integration course (§ 43 AufenthG) or job-related German language course (§ 45a AufenthG) or a subsidized further vocational training (§§ 81 and 82 SGB III), provided that the course or measure cannot be carried out or continued at the place of residence assignment without delay.

### 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 join 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. What rights do hearing- and speech-impaired persons have?

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 benefits to secure subsistence be granted?

As a rule, benefits to secure subsistence are granted for twelve months. In deviation from this, the approval period is six months if benefits are only temporarily applied for, e.g. 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 in due time for further approval in order to continue receiving benefits.

## Our advice:

To avoid any interruption in the monthly payment of benefits, you should submit an application for continued benefits to the Jobcenter no later than three weeks before the end of the period for which you have been granted benefits. In order not to lose any entitlement to benefits, you must submit the application no later than in the month following the end of the period for which you were granted benefits.



The duration of the approval is limited to one month if a need for assistance exists and is claimed only in one month.

## 7. How will the benefits be paid?

As a rule, 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). In this case, you must present, for example, a corresponding certificate from the bank.

## 8. Can you get an advance on citizen's benefit?

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 citizen's 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 at the Jobcenters, the authorities 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. Cash payments are limited to a maximum amount of 990 euro.

# 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 – Citizen's benefit for gainfully employed and not gainfully employed persons). 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 from basic income support for jobseekers 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 1957. He reaches his age limit of 65 years and 11 months on 10 June 2023. Consequently, he is entitled to basic income support benefits for jobseekers until 30 June 2023.*

## Please note:

Until the end of 2022, the Jobcenter could require you to apply for an old-age pension before reaching the standard retirement age, but no earlier than your 63rd birthday, if you meet the requirements for this. For the period from 1 January 2023, to 31 December 2026, the obligation to apply for and claim an early retirement pension will be suspended (Section 12a SGB II) (Sect. 12a Social Code II). The Jobcenter is then also not authorized to apply for an old-age pension in your place (Section 65 (2) SGB II) (Sect. 65 (2) Social Code II).

### 1.2 Earning capacity

A person is considered fit for work if he/she is currently or in the next six months in a fit state 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).

If there are doubts about your earning capacity, the Jobcenter may require you to have a doctor examine you. If necessary, you may then be asked to apply for a pension due to reduced earning capacity (for more information, see Chapter 13 “What are your obligations to cooperate?”).

Persons who do not have to be ready for work because, for example, they are temporarily raising a child under the age of three in their household or are attending a general education school are also considered capable of working. According to the law, children under the age of 15 are not yet capable of working.

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/non-EEA citizens)** with a residence permit will in principle have a work permit. Persons whose work permit, for instance, 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). You can find out more about the imputation of income and assets in Chapter 9 and Chapter 10.

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 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: As a rule, beneficiaries with earning capacity must also be available for the Jobcenter (see this Chapter in section 3 - Who does not receive SGBII 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. Citizen’s benefit for gainfully employed and not gainfully employed persons

If you meet all four requirements from the previous section, you will receive the citizen’s benefit according to § 19 Abs. 1 Satz 1 SGB II (Section 19 (1) sentence 1 SGB II) or the citizen’s benefit for those capable of working (until the end of 2022: unemployment benefit II).

If you are *not capable of working*, you can receive the citizen’s benefit pursuant to § 19 Abs. 1 Satz 2 SGB II (Section 19 (1) sentence 2 SGB II) or the citizen’s benefit for persons not capable of working (until the end of 2022: social allowance), provided that you live with a person capable of working in a community of need (more on this in Chapter 4 in section 1 “Community of need, including ,marriage-like community”). This applies in particular to

- all children under 15 years of age in the household of their parents who are capable of working,
- children under 18 years of age who have *permanently* a reduced earning capacity and live in a household with at least one parent who is 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 you are *permanently* incapacitated and at least 18 years of age, you are primarily entitled to benefits from basic income support 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, you may be entitled to citizen’s benefits for not gainfully employed persons 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).

### Please note:

The status “*earning capacity*” and “*no earning capacity*” determines access to certain benefits: For example, only beneficiaries who are capable of working have access to benefits for integration into work, and only beneficiaries who are capable of working are regularly compulsorily insured in the statutory health insurance system on the basis of their benefit receipt (for more information, see Chapter 6 “How are recipients of the citizen’s benefit insured for health and long-term care?”).

If you have already reached the statutory retirement age (see 1.1 “Age limits”) or if you are drawing an early retirement pension (see the following section), you are excluded from the citizen’s benefit, even if you live in a community of need with a person who is capable of working. In these cases, you are entitled to social assistance under SGB XII (Social Code XII) if you are in need.

### 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 citizen's benefit.

#### Good to know:

The first payment amount of the early retirement pension is set off against the citizen's benefit. There is a reduced citizen's benefit 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.

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

- **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.
- **Persons with earning capacity 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. (until 30 June 2023: Section 7 (4a) SGB II; as of 1 July 2023: Section 7b SGB II).**

The purpose of the regulations on accessibility is to ensure that priority is given to placement in work and vocational measures. As a rule, beneficiaries with earning capacity should be able to respond quickly to job offers and invitations from the Jobcenter. For this purpose, they must be in the vicinity of their Jobcenter and be reachable for notifications and invitations from the Jobcenter. As a rule, they need the Jobcenter approval if they want to stay outside the vicinity of their Jobcenter.

Strictly speaking, persons capable of gainful employment must be "in the area close in terms of time and place" (from 1 July 2023: "in the closer ar-ee") of their Jobcenter. The legislature itself has not defined in more detail what is meant by this. The Federal Ministry of Labor and Social Affairs had not yet issued an ordinance regulating the details of absences from the place of work and reachability (§ 13 Abs. 3 SGB II - Section 13 (3) Social Code II) at the time this guide went to press. [Update: The *Erreichbarkeits-Verordnung (ErrV)* (Reachability Ordinance) entered into force on 8 August 2023].

Exceptions to the stay in the vicinity of the Jobcenter are possible if there is an *important reason* for the out-of-town stay, for example participation in a medically prescribed cure or rehabilitation measure, and the Jobcenter has approved the out-of-town stay. Even without an important reason, Jobcenter can grant approval for an out-of-town stay if the integration into work or training is not significantly impaired as a result. Further exceptions to the reachability requirement may be specified in the regulation yet to be issued.

According to the wording of the law, the prior consent requirement for a local absence does not apply to persons who are not capable of working or to children under the age of 15.

## Our advice:

Do not take the obligation to be available lightly. If the Jobcenter learns of an unauthorized absence, you will have to expect repayment of benefits for the period of the unauthorized absence. If you want to travel, you should obtain the prior approval of your Jobcenter (see Chapter 14 “Can beneficiaries get leave?”).

### 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 are entitled to benefit in accordance with the Asylum Seekers Benefits Act. According to § 1 AsylbLG (Sect. 1 Asylum Seekers Benefits Act), these are primarily asylum seekers who have not yet been recognized, tolerated persons and persons who are subject to an enforceable obligation to leave the country, persons with a residence permit in accordance with Section 23 (1) (temporary admission due to a war in the home country) or Section 25 (4) sentence 1 of the Residence Act, and the spouses, partners and minor children of all these persons.

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 (Bundestagsdrucksache 18/10211, p. 14). 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 for benefits can only be made if a right of residence or freedom of movement other than “for the purpose of seeking employment” exists. Due to the different legal status, a distinction must be made between nationals from the member states of the European Union (Union citizens or EU citizens), British nationals with rights of residence under the Withdrawal Agreement (“former Britons”) and third-country nationals.

#### Nationals from member countries of the European Union

**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, Leistungsausschluss von Ausländern – Ausübung einer geringfügigen Beschäftigung) (article: Exclusion of foreigners from benefits – pursuing a marginal employment).

- **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). Germany’s highest Social Court assumes that even a gainful employment of exactly one year is sufficient (BSG datet March 9, 20222 – B 7/14 AS 79/20).

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. The same applies to employees during parental leave if the employment relationship continues and only the employment relationship is temporarily suspended (BSG dated 9.3.2022 - B 7/14 AS 91/20 R).

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

- **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 right of permanent residence after usually 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 (§ 4a FreizügG/EU) (Sect. 4a, Freedom of Movement Act).

An already obtained 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.

- **A fictitious right of residence under the Residence Act** (§ 11 par. 14 sentence 1 FreizügG/EU) (Sect. 11, par. 14 (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, if he/she has custody for 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.

## Gut zu wissen:

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 additionally invoke the das 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

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 Austritts-abkommen 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 European 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 in the meaning of article 18,



par. 4 of the Withdrawal Agreement (residence document UK) 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

**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, however, do have access to SGB II benefits, e.g.

- **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 (see above).

Since 1 June 2022, third-country nationals with a residence permit in accordance with [Section 24 \(1\) of the Residence Act \(AufenthG\)](#), for example persons who have fled Ukraine because of the war or who can no longer return there, have also been receiving benefits under SGB II. This already applies if they have *applied for a right of residence* under Section 24 of the Residence Act and have received a so-called fictitious certificate ([Section 81 \(5\)](#) of the Residence Act) from the foreigners authority, which certifies that their stay is considered permitted or will continue until the decision of the foreigners authority ([Section 74 \(1\) and \(2\) of the Second Book of the Social Code](#)). Exclusion from benefits in the first three months of residence in Germany or due to a lack of permission to work does not apply in these cases. However, another prerequisite is usually that these persons – as it is called in officialese – have been “treated for identification purposes” ([§ 49 AufenthG](#)) or their identity has been established beyond doubt.

- **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. 2 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 SGB II benefits 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 usually only a right to bridging benefits ([Sect. 23 para. 3 sentence 3 to 6 SGB XI - Social Code XI](#)) (see Chapter 16 - What benefits do foreigners receive who are excluded from SGB II benefits?).

### 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 (not necessarily lawful) residence

apply for or receive citizen's benefit 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 have also to 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). However, 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.

- **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 citizen's benefit is not possible, for example, for employees, self-employed persons, jobseekers (at least for the duration of 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 acc. to [§ 4a FreizügG/EU](#)) (Sect. 4a Freedom of Movement Act).

- **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 citizen's benefit 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 also applies to long-term tolerated persons with a residence permit pursuant to [Section 104c](#) of the Residence Act ("right of opportunity to stay").

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 SGB II benefits?).

## 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 bei der Berliner Integrationsbeauftragten](#) (counselling centre of the Berlin integration commissioner) before you submit an application.

## 5. Special requirements for trainees, schoolchildren and students

Many trainees, pupils and students are entitled to citizen's benefit if they are in need of assistance and meet the other benefit requirements (see in particular section "1. General requirements"). Whether they are entitled to a citizen's benefit or whether they are excluded – from the benefits to secure their livelihood with the exception of the "Benefits for trainees" (see below) – depends in particular on the type of training and the living conditions of the trainees, pupils and students ([§ 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 citizen's benefit if they are taking part in (school) training that is eligible for support under the Federal Training Assistance Act (BAföG) (student loan). It is sufficient that the training is eligible for funding "on the merits", i.e. that Bafög can be claimed by anyone at all for the respective training course.

Conversely, schoolchildren and students whose training is not eligible for Bafög support from the outset can receive citizen's benefit. 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 citizen's benefit

- 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 citizen's benefit

- at evening schools (Hauptschulen (lower secondary schools), Realschulen (intermediate secondary schools), Gymnasien (upper secondary schools),

if they do not receive a student loan (BAföG) too old ([Section 10 \(3\) Bafög](#)).

Provided that they are either actually receiving Bafög, or do not receive it only *because of the consideration of income and assets*, the following persons can claim citizen's benefit:

- all schoolchildren,
- students who live with their parents, and
- students at evening high schools or colleges or in technical college classes whose attendance requirements 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 persons already receive citizen's benefit 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 from sentence one of this paragraph is met.

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

### Benefits for persons in training not entitled to citizen's benefit but who are in need

Trainees, schoolchildren and students who are not entitled citizen's benefit 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 citizen's benefit acc. to Sect. 19 par. 1 (1) Social Code II and therefore do not include a health insurance obligation (see Chapter 6 - How are recipients of citizen's benefit 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, schoolchildren and students who are not entitled to citizen's benefit 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, schoolchildren or students who are excluded from citizen's benefit receive the regular SGB 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 benefits from basic income support, and how much you are entitled to it, 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 with their income and assets 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 (of applicants) 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 Unemployment Agency, 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 citizen’s benefit, 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.

The condition of whether spouses live “*permanently separated*” is determined according to the family law stipulating the term “separation” ([BSG of 18.2.2010 – B 4 AS 49/09 R](#)). Accordingly, married couples are considered to be “living apart permanently” if one or both partners want to separate and there are actual indications of a termination of the partnership, for example documented by filing for divorce or one partner moving out of the shared apartment. A mere spatial separation of the spouses, for example due to work, is not sufficient to be “*permanently living apart*”.

Minor children who, as a result of the separation of their parents, live only temporarily in the household of a parent in need of assistance form a so-called temporary community at need 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 second weekend. As a rule, the child then receives a pro-rata standard need and, if applicable, a pro-rata additional need for hot water or costly food in accordance with the number of days per month on which he or she stays with the parent in need of assistance.

### Distribution of income in the community at need

The entitlement to citizen’s benefit 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, costs of accommodation and heating). 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 citizen's benefit. 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 25 living in the parents' household 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 (§ 7 Abs. 3a SGB II) (Sect. 7 par. 3a Social Code II).

According to supreme court rulings, a “marriage-like community” requires that two persons of the same or opposite sex live in a long-term couple relationship, which does not allow for any other comparable cohabitation, *and* that they live together and have joint responsibility for their mutual subsistence.

In order for such a partnership to be comparable to a marriage, it is also required that the relationship between the partners is so close that both partners are prepared to bear responsibility for each other and to vouch for each other with their income and assets in cases of need (see BVerfG of 17.11. 1992 - 1 BvL 8/87, margin numbers 116ff. and BSG of 23.8.2012 - B 4 AS 34/12 R, margin numbers. 13 – 23).

If one of the following situations applies, the legislator assumes that there is a “community of responsibility and commitment” and/or “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,  
or
- 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 a mutual commitment to each 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 within the meaning of Social Code II requires joint economic activity (BSG of 27.1.2009 - B 14 AS 6/08 R, margin no. 15). This is not the case if you share a flat with relatives or in-laws, but you live separately from each other - as in a shared flat.

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 Bürgergeld-V) (Sect. 1 par. 2 Citizen’s Benefit 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 Bürgergeld-V) (Sect. 7 par. 2 Citizen’s Benefit Ordinance). Read Chapter 10 - How are assets taken into account?

**Example:** : *Ms. M. is in need of help and lives in a household-sharing community with her aunt and bears half of the housing costs. 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 is 1,400.00 euro*

*less*

*– insurance lump sum (adjusted) in the amount of 30.00 euro*

*– double standard allowance in the amount of 1,004.00 euro and*

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

*= remaining income 66.00 euro.*

*50 % of this will be taken into account to Ms. M.’s performance, which is 33.00 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 – as demonstrated in the example. 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 citizen's benefit?

The citizen's benefit is a benefit to secure a livelihood. You are legally entitled to these benefits if the legal requirements are met.

The citizen's benefit consists 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	2023	2022
Level 1: Single person, single parent, adult with partner under 18 years of age in the community at need	502	449
Level 2: Adult partners in a community at need	451	404
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.	402	360
Level 4: Adolescents from 14 to 17 years of age	420	376
Level 5: Children from 6 to 13 years old	348	311
Level 6: Children under 6 years of age	318	285

## Please note:

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

### Immediate supplement for children

In anticipation of the planned basic child benefit, children whose entitlement to a citizen's benefit is based on the standard needs levels 3, 4, 5 or 6 will receive an immediate additional allowance of 20 euros per month from the Jobcenters in addition to their standard needs. Children in these standard needs levels also receive the additional allowance if they are only entitled to benefits for education and participation or do not receive a citizen's benefit solely because their child allowance is offset (§ 72 SGB II) (Sect. 72 Social Code II).

## 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	2023	2022
Level 1: Single person, single parent, adult with partner under 18 years of age in the community at need	85.34	76.33
Level 2: Adult partners in a community at need	76.67	68.68
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.	68.34	61.20
Level 4: Adolescents from 14 to 17 years of age	71.40	63.92

## 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. Otherwise, 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. The additional allowance is limited to 60 percent of the standard allowance of level 1, so that the additional allowance is available for a maximum of five children.

The values in Table 3 are based on the assumption that no partner lives in the community at need of the single parent and that the single parent receives the standard allowance from standard allowance of level 1.

**Table 3:**

**Monthly additional allowance for single parents** (in euro)

	2023	2022
1 child under 7 years of age	180.72	161.64
1 child from 7 years of age	60.24	53.88
2 children under the age of 16	180.72	161.64
2 children from 16 years of age	120.48	107.76
1 child under the age of 7 and 1 child from 16 years of age	180.72	161.64
1 child from 7 years of age and 1 child from 16 years of age	120.48	107.76
3 children	180.72	161.64
4 children	240.96	215.52
from 5 children	301.20	269.40

### 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 citizen's benefit 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 citizen's benefit who are incapacitated to engage in work 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	2023	2022
Level 1: Single person, single parent, adult with partner under 18 years of age in the community at need	175.70	157.15
Level 2: Adult partners in a community at need	157.85	141.40
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.	140.70	126.00
Level 4*: Adolescents from 15 to 17 years old	147.00	131.60

\* after 15th birthday

#### 2.4 Additional allowance for costly nutrition

If for medical reasons additional costs for nutrition 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 % (100,40 euro)
Mucoviscidosis	30 % (150,60 euro)
Disease-associated malnutrition* (formerly: consumptive diseases)	10 % (50,20 euro)
Terminal renal insufficiency with dialysis therapy	5 % (25,10 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 an irrefutable and 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.

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 disease or body care products for neurodermatitis.

## Our advice:

Document the extent of your additional monthly costs by receipts, vouchers or other means. The amount of your additional allowance depends on this. In the case of additional costs for health reasons, provide evidence, for example a doctor's certificate, that the expenses are necessary from a medical point of view.

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), in particular, existing assets must be used as a priority (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. LSG Schleswig-Holstein vom 18.3.2021 - [L 3 AS 28/21 B ER](#)) (Regional Social Court of Schleswig-Holstein of March 18, 2021 - L 3 AS 28/21 B ER).

## 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). The hot water generation via the gas floor heating is part of the central hot water production, the costs of which are covered within the framework of the needs for accommodation and heating (more on this topic in Section 5 “Needs for accommodation, heating and hot water”).

**Table 6**

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

Standard allowance levels	2023	2022
Level 1 (2.3 percent)	11.55	10.33
Level 2 (2.3 percent)	10.37	9.29
Level 3 (2.3 percent)	9.25	8.28
Level 4 (1.4 percent)	5.88	5.26
Level 5 (1.2 percent)	4.18	3.73
Level 6 (0.8 percent)	2.54	2.28

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

Persons entitled to the citizen’s benefit for persons incapacitated to engage in work 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	2023	2022
Level 1: Single person, single parent, adult with partner under 18 years of age in the community at need	85.34	76.33
Level 2: Adult partners in a community at need	76.67	68.68
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.	68.34	61.20
Level 4*: Adolescents from 15 to 17 years old	71.40	63.92

\* 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.

#### 3.1 What belongs to housing costs?

The housing costs of tenants include all expenses that you owe to third parties for the accommodation used for housing. These include in particular

- the net rent (excluding heating and utilities) or basic rent,
- 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”).

The expenses can only be recognized as needs for accommodation and heating according to [Section 22 \(1\) SGB II](#) if they become due during the period for which you claim benefits according to SGB II. If it is a matter of claims that were already due before you became needy of assistance, it is a matter of rent or energy debts (more on this topic in this chapter in section 3.5 b) “Rent and energy debts”).

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. The same applies in the event of a subsequent claim by your landlord or energy supplier on the occasion of the annual statement of heating energy costs ([BSG vom 8. Mai 2019 - B 14 AS 20/18 R](#), margin number 13) (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 citizen's benefit 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 citizen's benefit 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 or citizen's benefit 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 benefits receipt detailed in this Chapter in section 3.3 “What happens if the individually appropriated accommodation and heating needs are exceeded?”.

### 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 (flat-sharing community).

### 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 to a reasonable extent (see [Nummer 4 der AV-Wohnen](#)) (No. 4 of Implementation ordinance - housing).

### 3.2 What housing costs are considered “reasonable” in Berlin?

If your actual expenses for accommodation and heating exceed the needs considered “reasonable”, they will only be covered in full temporarily.

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 and are determined by the municipal providers of basic benefits for jobseekers.

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 “coherent concept” must ensure adequacy values that guarantee that beneficiaries can at any time rent decent accommodation on the local housing market that meets their needs.

Up to what level housing and heating costs in Berlin are considered “reasonable” is regulated by the Berlin Senate Department for Integration, Labor and Social Affairs in the implementing order for housing [Ausführungsvorschriften Wohnen](#) (AV-Wohnen (Implementation ordinance for housing)). The Berlin Senate has published what it considers to be a “conclusive concept” in Anlage 1 (Annex 1) and the values for reasonable heating [Anlage 2](#) (Annex 2) to the AV Wohnen (implementation ordinance for housing).

The examination of adequacy is carried out separately for the need for accommodation and the need for heating. The AV-Wohnen (implementation ordinance for housing) stipulates

- reference values or the gross rent (excl. heating and hot water) (in euro), and
  - limits on the appropriate consumption of heating energy with or without 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.

## Good to know:

The regulations of the AV-Wohnen (implementation ordinance for housing) are binding for employees in the Berlin Jobcenters. In our consulting practice, however, we unfortunately experience again and again that the employees of the Jobcenters do not make full use of the possibilities of the AV-Wohnen or that regulations are not observed. It therefore makes sense to take a closer look at the regulations in the AV-Wohnen.

## Please note:

The social courts are not bound by the provisions on adequacy stipulated in the AV-Wohnen (implementation ordinance), since they are merely regulations for the employees working in the administration. Many Berlin judges also do not consider the reference values for adequate gross rents (excluding heating and utilities) to be “conclusively” derived; they therefore often use different values for the adequacy of gross rents (excluding heating and utilities) than the Jobcenters (more on this topic at the end of the following section under “What applies in court?”)

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

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

#### Karenzzeit (waiting period)

After the first application for a citizen’s benefit, there is a waiting period in the first year of benefit receipt, during which the adequacy of housing costs is not reviewed. The accommodation costs (gross rents (excl. heating and hot water)) are covered in the actual amount (§ 22 Abs. 1 SGB II) (Sect. 22 par. 1 Social Code II).

The purpose of the one-year waiting period is to protect existing housing at the beginning of benefits receipt, so that beneficiaries can focus on finding work and not worry about maintaining their housing.

If receipt of the citizen’s benefit is interrupted during the waiting period, the waiting period is “extended” by full months without receipt of benefits; the waiting period then ends correspondingly later.

Persons who have already received basic income support before 2023 can also make use of the one-year waiting period due to a transitional provision. The reason: The receipt of benefits under SGB II or SGB XII before 1 January 2023 is not to be taken into account for the waiting period (§ 65 Abs. 3 SGB II) (Sect. 65 par. 3 Social Code II).

**Example 1:** *Mr. N. has been receiving unemployment benefit II or citizen’s benefit since July 1, 2022. His waiting period begins on 1 January 2023.*

**Example 2:** *Ms. P. received unemployment benefit II until the end of October 2022 and then has taken up temporary employment for twelve months. On November 15, 2023, she applies again and is granted citizen’s benefit. Her one-year waiting period begins on November 1, 2023.*

## Please note:

The waiting period and the assumption of the actual accommodation costs is excluded if the Jobcenter has already recognized only the reasonable and not the actual accommodation costs as a need for your currently occupied accommodation at an earlier point in time (§ 65 Abs. 6 SGB II) (Sect. 65 par. 6 Social Code II).

If the waiting period has expired, a new waiting period will only begin again if you have not previously received benefits under SGB II (Social Code II) or SGB XII (Social Code XII) for at least three years.

### Reference values

After the waiting period has expired, the adequacy of the accommodation costs is reviewed on the basis of reference values for appropriate gross rents (excl. heating and hot water). The reference values can be increased by surcharges.

The reference values 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 as well as in the tables at the end of this practical guide (Annex I) you will find the reference values for the gross rent (excl. heating and hot water).

On our website [www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-buergergeld](http://www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-buergergeld), you can find out the current status of the values that are considered “reasonable” for your housing needs in Berlin.

### Reference values in public housing

For apartments in public housing (1st subsidy channel), applicable reference values for “appropriate” gross rent (excl. heating and hot water) are increased by 10 percent (see Table 8). Once the public housing period ends, the regular reference value applies.

**Table 8**

#### Reference values for monthly gross rent (excluding heating and utilities)

Size of the community at need (in persons)	Reference values of gross rent (excluding heating and hot water) (in euros)	Reference values of gross rent (excluding heating and hot water) Public housing (in euros)
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

→ The [Investitionsbank Berlin](#) 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 or to the higher standard values for public housing. 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 number 5 of the [Annex 1](#) of the AV-Wohnen (implementation ordinance for housing), the bonus amounts to

- 25 euro for one person in the community at needs,
- 32.50 euro for two persons in 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 an additional allowance of 10 percent of the reference value will be granted for the individual determination of adequacy in the case of special housing needs. The additional allowance in case of hardship 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 c) – “Additional allowance for new rentals due to existing or imminent homelessness”.

**Table 9**  
Reference values for the monthly gross rent  
(excl. heating and hot water)

Size of the community at need (in persons)	Reference values of gross rent (excluding heating and hot water) (in euros)	Reference values of gross rent (excluding heating and hot water) Public housing (in euros)
<i>plus additional allowance in case of hardship</i>		
1	468.60	515.46
2	567.00	623.69
3	697.84	767.62
4	785.07	863.58
5	943.60	1037.96
for each additional person	+ 111.01	+ 122.11

### Special housing needs 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 “reasonable” 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).

### Review limit for accommodation costs to be recognized

If your actual accommodation costs (gross rent (excl. heating and hot water)) exceed the (individual) appropriateness limit applicable to you, the Jobcenter will carry out a so-called economic efficiency comparison.

The Jobcenters will refrain from requesting a cost reduction if your gross rent (excl. heating and warm water) is not higher than the sum of the following values:

- the reference value for the gross rent (excl. heating and warm water applicable to you, plus 10 percent in public housing, if applicable),
- *plus*, if applicable, an additional allowance in case of hardship of 10 percent on the reference value (or on the reference value increased by 10 percent in public housing),
- *plus* the additional relocation avoidance allowance amounting to 15 percent of the simple reference value. The basis for calculating the additional allowance is always the simple reference value and not the increased reference value for public (Nummer 6.4.1 der AV Wohnen) (No. 6.4.1 of Implementation ordinance – housing).

In other words: The sum of the above-mentioned values forms a review limit that your gross rent (excl. heating and hot water) may not exceed in order for the accommodation costs to be recognized by the Jobcenter (see Table 10 and Table 11).

### Please note:

The additional relocation avoidance allowance serves to secure your *existing housing space*. The additional allowance is not to be applied when renting a new apartment or if the cost assumption for the rent is reduced after completion of a so-called cost reduction procedure. You can find out more about “cost reduction” and new renting while receiving benefits in the following sections 3.3 and 3.4.

**Table 10**

**Accommodation costs to be recognized in existing apartments  
(gross rent (excl. heating and hot water))**

Size of the community at need (in persons)	Accommodation costs to be recognized including additional relocation avoidance allowance (in euros)	
	<i>without additional allowance in case of hardship</i>	<i>with additional allowance in case of hardship</i>
1	489.90	532.50
2	592.77	644.31
3	729.56	793.00
4	820.76	892.13
5	986.49	1,072.28
for each additional person	116.06	126.15

Table 11

**Accommodation costs to be recognized in existing public housing**

(gross rent (excl. heating and hot water))

Size of the community at need (in persons)	Accommodation costs to be recognized including additional relocation avoidance allowance (in euros)	
	without additional allowance in case of hardship	with additional allowance in case of hardship
1	532.50	579.36
2	644.31	701.01
3	793.00	862.78
4	892.13	970.63
5	1,072.28	1,166.64
for each additional person	126.15	137.25

You can also find the expenses to be recognized for accommodation in *existing housing* in columns 4 and 5 of the two tables “Reasonable accommodation costs (reference values for gross rent (excl. heating and hot water))” at the end of this guide (Appendix I).

**Example 1:** *Mrs. F. (62 years old) has received a rent increase. Her gross rent (excl. heating and hot water) increases to 530 euros per month. She fears that the Jobcenter will no longer pay her rent in full once the waiting period has expired. Rightly?*

**Result:** *The monthly gross rent of 530 euros exceeds the reference value of 426 euros for Ms. F. (Table 8, column 2). However, due to her age, Ms. F. receives an additional allowance in case of hardship of 10 percent on the reference value. Together with the additional relocation avoidance allowance, the accommodation costs to be recognized by the Jobcenter amount to 532.50 euros per month (see Table 10, column 3). The review limit is not exceeded and Ms. F. does not have to expect a “cost reduction” by the Jobcenter after the end of the waiting period.*

## Our advice:

If the Jobcenter no longer recognizes your full accommodation costs (gross rent (excl. heating and hot water)) after the end of the waiting period, you should check whether the agency has taken into account the additional allowances and special housing needs that apply to you under the AV-Wohnen (implementation ordinance – housing). If this is not the case, point this out to the Jobcenter or file an objection against the decision with the “lowered” gross rent (excl. heating and hot water).

### What applies in court?

In Berlin’s social courts, the reference values for reasonable gross rents (excl. heating and hot water) are often not upheld, since in the opinion of many judges, the AV-Wohnen (implementation ordinance – housing) does not provide a consistent “coherent concept” (including SG Berlin of February 15, 2022 - [S 136 AS 2303/18](#) und of January 21, 2022 - [S 37 AS 9515/19](#)). According to supreme court practice, it must be examined whether housing space is actually available at the determined adequacy values and is offered in sufficient numbers on the market (BSG of September 03, - [B 14 AS 37/19 R](#), margin number 27f.). However, it cannot be determined that adequate housing space is actually sufficiently available at the reference values of the AV-Wohnen.

In these cases, the judges alternatively take the actual gross rent (excl. heating and hot water) as the basis for the need for accommodation, limited by the table values in rent level IV according to the Housing Allowance Act ([Anlage 1](#) (Annex 1) to Section 12 (1) WoGG (Housing Allowance Act)) plus a safety allowance



of 10 percent (see Table 12). The values according to the housing allowance table are “abstract” values, i.e., they do not take into account the individual case (according to BSG dated December 11, 2012 - [B 4 AS 44/12 R](#), margin number 19). In our experience, however, the courts rarely recognize higher values for special housing needs.

**Table 12**

**Maximum rents under the Housing Allowance Act including safety allowance of 10 percent** (Berlin with rent level IV, values as of 1 January 2023)

Number of household members to be taken into account	Maximum amounts (in euros)	
	<i>without safety allowance</i>	<i>with safety allowance</i>
1	478	525.80
2	579	636.90
3	689	757.90
4	803	883.30
5	918	1,009.80
Additional amount for each additional household members to be taken into account	111	122.10

## Our advice:

Before you take legal action in the social court, you should compare the gross values (excl. heating and hot water) recognized as appropriate by the Jobcenter with the values of the housing allowance table including safety allowance (Table 12). We advise you to seek legal advice before going to court because of the difficult legal situation.

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

Unlike the need for accommodation, there is no waiting period for the need for heating. The review of your heating behavior for adequacy can therefore already begin with the application.

According to the Berlin AV-Wohnen (implementation ordinance – housing), the review of your heating costs is based on appropriate consumption values for heating energy. Last year, the Berlin Senate already changed the limit values for appropriate heating in the AV-Wohnen from monetary to consumption values. The background to this is the sharp price increases and price fluctuations for heating energy. The measure is intended to ensure that the Jobcenters cover heating costs even if, due to the current high energy prices, heating costs, but not consumption, have increased.

The demand for heating also includes the demand for central hot water preparation. Central hot water preparation exists if the hot water is supplied centrally for all residential units in a multi-party residential building or if the hot water in an apartment and a single-family house is produced via the heating system, for example via a gas floor heating system.

The current limits for appropriate consumption values of the energy types **heating oil, natural gas and district heating** are based on values of the nationwide [Heizspiegels von co2online gGmbH](#) (heating index of co2online gGmbH) of 2020 and are published in [Anlage 2](#) (Annex 2) to the AV-Wohnen.

The following values are considered appropriate for heating:

- 11,900 kWh per year for one person in the community at need,
- 15,500 kWh per year for two persons in the community at need,
- 19,000 kWh per year for three people in the community at need,
- 21,400 kWh per year for four persons in the community at need and

- 24,300 kWh per year for five people in the community at need.

For each additional person, 2,900 kWh per year is added.

On our website [www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-buergergeld](http://www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-buergergeld) you can find out about the current status of the values that are considered “appropriate” for your housing needs in Berlin.

You can usually find your actual consumption values in the annual heating bill from your landlord or your energy supplier (gas, district heating).

### Decentralized hot water generation

The limit values according to the nationwide heating index also include the consumption values for central hot water generation. In the case of decentralized hot water generation in the apartment, for example with an electric boiler or instantaneous water heater, deductions must therefore be made from the limit values. The monthly deductions are as follows for heating systems that are operated with **heating oil, natural gas or district heating**:

- 1,200 kWh per year for one person in the community at need,
- 1,560 kWh per year for two persons in the community at need,
- 1,920 kWh per year for three people in the community at need,
- 2,160 kWh per year for four persons in the community at need and
- 2,448 kWh per year for five people in the community at need.

For each additional person, 288 kWh per year is added.

## Please note:

The costs for a *decentralized* production of hot water are recognized as additional need at a flat rate (see in this chapter in section 2.7 “Additional need for decentralized production of hot water”).

### 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) shall be therefore deducted in whole or in part from the limit values for heating costs. However, the responsible Senate administration has not yet explained how a euro value is to be deducted from a consumption value.

### Other energy sources

The consumption values for appropriate heating with a **heat pump** can be found in the corresponding table (column 4) at the end of our guide (Appendix I); likewise you can find the deductions for decentralized hot water supply (column 5).

In the case of **night storage heaters (electricity)** priority is to be given to the appropriate consumption quantity. The responsible Senate Administration regularly informs the Jobcenters about the market-based and household-based prices and consumption quantities for night storage heaters. The values and prices are based on information from co2online gGmbH as well as Vattenfall in Berlin (prices for basic supplies) and serve as orientation values above which “inappropriate” heating may be indicated.

**Table 13**  
Annual consumption values and heating costs for night storage heaters

Size of the community at need (in persons)	Night storage heater	
	Consumption per year (kWh)	Price per year (in euro)
1	6,000	2.100
2	7,800	2.730
3	9,600	3.264
4	10,800	3.672
5	12,240	4.161,60
for each additional person	1,440	489,60

The values apply to heating the entire apartment using night storage heaters. In apartments with more than one type of heating, separate values are used for individual rooms with night storage heaters. The Jobcenters do not make any deductions for decentralized hot water generation.

The consumption values and prices are published under number 2 in the information letter of the Senate Administration "Leistungen für Heizung (feste Brennstoffe und Nachtspeicherheizung) nach SGB II und SGB XII" ("Benefits for heating (solid fuels and night storage heating) according to SGB II and SGB XII").

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) as indicated under No. 1 of the above-mentioned information letter.

## Good to know:

For night storage heaters and coal stoves there are no comparable representative surveys available as for the energy sources recorded in the nationwide heat index. The AV-Wohnen (implementation ordinance – housing) therefore expressly points out that the consumption values and prices published in the circular do not represent values to which the assumption of heating costs is limited. 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).

### Individually appropriate heating costs

If the limits for reasonable consumption values are exceeded, it does not automatically follow that your heating costs are unreasonable. In this case, it must be examined *ex officio* whether there is an increased *individual* need for heating (Nummer 5.2.1 AV-Wohnen) (No. 5.2.1 of the implementation ordinance – housing).

## Our advice:

Check whether there are any special reasons why you need to heat more than usual. 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.

### 3.3 What happens if the individually appropriate accommodation and heating requirements are exceeded?

If your gross rent (excl. heating and hot water) exceeds your individually appropriate needs after the one-year waiting period has expired or if your consumption values for heating exceed your individually appropriate needs after the application has been submitted, the Jobcenter will request you in writing to reduce your housing costs, for example, by subletting, changing apartment or saving energy. In individual cases, it may take a longer time before a request to reduce costs is issued.

After the written request to reduce costs, your housing costs will only be covered to the previous extent for as long as it is *“not possible or not reasonable for you”* (§ 22 Abs. 1 Satz 7 SGB II) (Section 22 (1) sentence 7 SGB II) to bring about a reduction in your costs, but generally for no longer than six months. Extensions of the grace period are possible.

The grace period *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 *“Assumption of removal expenses”*.

The grace period must also be extended, if necessary, several times, if you are unable to find *“adequate”* housing within the grace period despite proven intensive search efforts.

#### 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.

If the Jobcenter determines that your consumption for heating energy is *“unreasonable”*, you will be asked to reduce your consumption, as a general rule, until the next annual heating cost statement of the landlord or the bill of the energy supplier. Only if the next heating cost statement shows that you have not taken sufficient measures to reduce your consumption of heating energy, and individual reasons, such as illness, can be excluded for exceeding the limit, your benefits will be reduced.

If your accommodation or heating costs become *“unreasonable”* only because a member of your community at need or household community has died, the request to reduce your housing costs shall not be made for a period of at least one year after the month in which the death occurred (§ 22 Abs. 1 Satz 9 SGB II; Bundestagsdrucksache 20/3873, S. 88) (Section 22 (1) sentence 9 SGB II; Bundestag document 20/3873, p. 88).

After expiry of the six-month period or of the extended grace period, if any, 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 individual need for accommodation, 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

se the landlord's additional claims for heating and hot water costs (Nummer 5.1.1 Absatz 2 AV-Wohnen) (No. 5.1.1 paragraph 2 of the implementation ordinance – housing).

If only the consumption values for heating exceed the individually reasonable need, only the assumption of the heating costs by the Jobcenter will be reduced. Your actual heating costs will then only be covered on a pro-rata basis, in accordance with the ratio of the reasonable consumption according to Anlage 2 (Annex 2) to the actual consumption (Nummer 7.1.2 Absatz 2 der AV-Wohnen) (No. 7.1.2 paragraph 2 of the implementation ordinance – housing). This does not affect the assumption of any additional payment due for operating costs.

If both the individually appropriate needs for accommodation and für heating are exceeded, both cost units are reduced to the “appropriate” value in each case.

## Our advice:

If the cost assumption for your apartment has already been limited to the “reasonable” in the past, the Jobcenter is obliged to adjust the payments for your apartment if the Senate Administration increases the reference 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 values for the costs of accommodation are “insignificantly” exceeded, in certain cases of hardship no reduction of the cost assumption for the gross rent (excl. heating and hot water) *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 Absatz 5 Wohnraumgesetz Berlin). (Section 2 paragraph 5 of the Berlin Housing Act)). Applications for a rent subsidy can be submitted to Investitionsbank Berlin (IBB), Mietzuschuss Sozialwohnungen (rent subsidy for public housing), 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>.

## 3.4 What applies when renting new housing?

### a) In principle, only reasonable housing requirements

If you move while receiving a citizen's benefit, the Jobcenters generally will cover only the needs for the new apartment that are considered reasonable.

To ensure that the Jobcenter will cover the full housing costs for your new apartment, you should obtain confirmation of the assumption of the new housing costs from the relevant Jobcenter before signing the lease contract. For the assurance, you must submit a concrete housing offer from the landlord to the Jobcenter.

## Please note:

In the case of moves within Berlin, the Jobcenter from whose area you are moving will provide assurance that the new housing costs will be covered; in the case of moves outside of Berlin, the Jobcenter to whose area you are moving will provide this assurance. In the case of a move beyond the Berlin city limits, the regulations for the adequacy of housing applicable at the place of move are decisive for the assurance.

The Jobcenters are only obliged to assure and assume the new housing costs if the expenses for the new housing, including heating, are “reasonable” (§ 22 Abs. 4 Satz 3 SGB II) (Section 22 (4) sentence 3 SGB II).

Before granting the assurance, the Berlin Jobcenters check whether the new **accommodation costs (gross rent (excl. heating and hot water))** - apart from special cases - comply with the reference value applicable to you, including the supplements that come into question (public housing, climate bonus). For people in special life situations, for example single parents or pregnant women, the hardship supplement of ten percent of the reference value, including the other supplements, is also to be taken into account.

If you are homeless or at risk of homelessness, you may be eligible for a surcharge of 20 percent or more on the simple reference value when you rent a new apartment (for more information, see this section under c) “New Rental Supplement for Existing or Imminent Homelessness”).

You can find out which expenses for accommodation costs for new rentings are recognized in detail by the Berlin Jobcenters in Appendix I in columns 2 and 3 of the tables “Reasonable accommodation costs (reference values for gross rent (excl. heating and hot water)”. Please note that, for reasons of space, not all possible supplements are included in the tables.

## Good to know:

The reference values for the gross rent (excl. heating and hot water) often do not hold up in the Berlin social courts. If necessary, an assurance that the new housing costs will be covered can be obtained by way of interim legal protection (e.g. SG Berlin, February 9, 2022 - [S 203 AS 466/22 ER](#); SG Berlin, July 6, 2022 - [S 129 AS 3280/22 ER](#)) - in the case of a move within Berlin, the change of apartment must also be “necessary” (more on this in the following section). Many social judges use the values from the housing allowance table plus a safety surcharge of 10 percent as a basis for the new renting of living space (more on this in this chapter in section 3.2 a “What applies in court?”). The housing allowance values including a security surcharge (Table 12, column 3) are currently often more favorable than the reference values for gross rents (excl. heating and hot water) according to the AV-Wohnen (implementation ordinance – housing) (Table 8 and 9) when new living space is rented. However, if homeless persons or persons at risk of homelessness are granted a new rental supplement by the Jobcenter, the values from the AV-Wohnen are almost always more favorable for those seeking housing.

## Our advice:

If your housing offer is rejected by the Jobcenter because the gross rent (excl. heating and hot water) is “too expensive”, we advise you to seek legal advice before going to court because of the difficult legal situation.

In principle, the **expenses for heating, if necessary, including hot water preparation**, are also to be checked for their adequacy before the assurance is granted. The Senate Administration responsible for social affairs is currently taking a different approach. Since the tenant's possibilities to influence a new renting are very limited, *"the calculation of the monthly advance payments for heating costs submitted by the landlord in accordance with the requirements of the Heating Costs Ordinance is to be taken into account"* (Nummer 3.3.2 Absatz 2 AV-Wohnen) (no. 3.3.2 paragraph 2 of the implementation ordinance - housing). This means that monthly advance payments for heating costs calculated by the landlord in accordance with the law are initially to be accepted by the Berlin Jobcenters. An examination of the appropriateness of the heating costs is then to be *made up for*, as a rule, after submission of the first heating cost statement, when the actual consumption values for heating are available.

The disadvantage of this regulation: Beneficiaries who rent a new apartment run the risk that they will be asked by the Jobcenter to reduce their costs if they exceed the limits after moving, and that "unreasonable" heating costs will no longer be covered in the future.

In the case of moving during the waiting period, higher than reasonable housing costs are also covered if the Jobcenter has *previously* agreed to cover the costs (§ 22 Abs. 4 Satz 2 SGB II) (Section 22 (4) sentence 2 SGB II).

### b) Non-required move

If your housing costs increase after a move within Berlin, the move must be *"necessary"*. This means that you have to prove a comprehensible reason for moving. The reason could be, for example, separation from your spouse, starting a family, or family reunion (see Nummer 8.1 Absätze 2 bis 7 AV-Wohnen) (Section 8.1, Paragraphs 2 to 7 of the implementation ordinance - housing). If the JobCenter considers the move to be *"not necessary"*, the Jobcenter will only pay the housing costs after the move in the amount of your previous gross rent (incl. heating and hot water), provided it was *"reasonable"*. This also applies to a non-required move during the waiting period. Under no circumstances the Jobcenter may stop payments for your apartment at all because of a move to a more expensive apartment.

## Good to know:

The limitation of housing costs to the previous rent in the case of a non-required move to Berlin or a move from Berlin to another city is not permissible (BSG vom 1.6.2010 - B 4 AS 60/09 R) (Federal Social Court dated June 1, 2010 - B 4 AS 60/09 R).

### c) New rental supplement in the case of 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 of an apartment on the free housing market if this is the only way to end or prevent housing in more cost-intensive facilities. (see Nummer 3.4 AV-Wohnen) (see No. 3.4 of the implementation ordinance - housing). This also applies to women threatened by domestic violence as well as women and refugees in shared housing.

The surcharge also applies to apartments in public housing, but it is always calculated on the basis of the simple reference value (not the increased reference value in public housing). It can also be combined with the climate bonus and the hardship supplement, for example for pregnant women or single parents. Individual reference values always apply to persons who are dependent on barrier-free housing.

If homeless people or people at risk of homelessness, in particular communities at need with children, do not succeed in finding suitable accommodation with the help of the new rent supplement within six months despite an intensive search for housing, the reference values for appropriate gross rents (excl. heating and hot water) can be exceeded by more than 20 percent in individual cases. The prerequisite for this is that renting of living space is more economical than accommodation (see Rundschreiben zur Wirtschaftlichkeitsberechnung) (circular on economic efficiency calculation) and the specialist agency for housing emergencies or the public housing assistance in the housing district agrees to the renting. What counts as an *"intensive search effort"* is described in this chapter in Section 3.3. The regulation, which is initially limited until the end of 2024, does not apply to communities at need that are housed in accom-



modation-like housings, for example in modular accommodation (Modularen Unterkünften) for refugees.

#### d) 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, family violence or being "kicked out" of the parental home. 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), Nummer 8.1 Abs. 8 AV-Wohnen) (No. 8.1 par. 8 of the implementation ordinance – housing).

#### e) 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 is "reasonable" (see letter c) or - 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 depending on the size of the household),
- 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 usually 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 (as of 1 July 2023: five percent) of the standard allowance as long as you are receiving benefits.

The Jobcenter responsible up to now will provide assurance that the relocation costs will be covered. In the case of moves within Berlin, this also applies to the assurance of the rent deposit and cooperative shares. In the case of moves from or to Berlin, a required rent deposit must be assured by the new Jobcenter.

### 3.5 What else is important when it comes to housing?

#### a) 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, e. g. 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 that cooperate with the state of Berlin, the membership fee can also be covered by the Job-center. The membership fee will then be reimbursed to you directly by the Jobcenter.

### b) Rental and energy liabilities

As a rule, rent debts are to be taken over by the Jobcenter as a loan if the assumption is “justified and necessary” to secure “adequate” housing and prevent homelessness for recipients of citizen’s benefit find, 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 counseling centre for people in need of housing or the public housing assistance in the social welfare offices. If you owe rent, the Jobcenter informs the public housing support office in your district. In the case of energy debts, you can contact the energy debt advisory service of the consumer advice centre in Berlin or the Hardship Fund for Energy Debts.

### c) Berlin Hardship Fund Energy Debts

In order to prevent and eliminate energy debts, the state of Berlin has set up a “Hardship Fund for Energy Debts” for Berlin households that have experienced financial hardship due to the current price fluctuations on the energy market. The legal basis is a Förderrichtlinie des Landes Berlin (funding guideline of the state of Berlin).

The Hardship Fund provides non-repayable financial assistance (grant) to private households with low incomes upon application if a cut-off in electricity or heating energy supply has occurred or has been threatened by the energy supplier after 1 January 2023. The fund pays if other benefit claims cannot eliminate or prevent the energy cut-off (Nummer 1 der Förderrichtlinie) (No. 1 of the subsidy guideline).

Recipients of citizen’s benefit can receive benefits from the fund if the Jobcenter does not assume the energy debt or only approves it as a loan, but only if the consumption is “reasonable”. The appropriateness is checked by the granting authority (State Office for Health and Social Affairs) when processing the application.

The aid is paid directly to the respective energy supply company.

Applications for cost assumption by the “Hardship Fund for Energy Debts” can only be submitted online until December 31, 2023. Further information and documents on the Berlin Hardship Fund for Energy Debts can be found on the website of the Senatsverwaltung für Integration, Arbeit und Soziales (Senate Administration for Integration, Labor and Social Affairs).

## Good to know:

Tacheles e. V., in cooperation with the Paritätischer Wohlfahrtsverband, provides information and sample applications on the website www.energie-hilfe.org to help you apply for citizen’s benefit, housing allowance or other social benefits if you cannot afford the high heating costs or can only do so with difficulty. Further information on the subject of energy can be found in Chapter 19 in Section 9 “Energy advice”.

## Chapter 6 | How are recipients of citizen's benefit insured for health and long-term care?

If you are a person who is fit for work and receive citizen's benefit, 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 deemed to be fit for work and are subject to compulsory insurance. They 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 citizen's benefit only as a loan or citizen's benefit for persons who are not fit for work (§ 19 Abs. 1 Satz 2 SGB II) (Sect. 19 par. 1 sentence 2 Social Code II) 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 beneficiaries who are fit for work and entitled to citizen's benefit 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 citizen's benefit 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, whose unemployment benefit from the unemployment insurance ends, live in a marriage-like community. Ms. F. earns just enough as an employee that she and her partner are not in need of assistance. Since family insurance is not possible for Ms. F.'s partner, she must also pay for his voluntary health insurance contributions. 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 citizen's benefit are exempt from the statutory health and long-term care insurance obligation while receiving citizen's benefit for persons who are fit for work (§ 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 404 euro per month (rounded) in 2023. 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 807,98 euro per month in 2023.

## Good to know:

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 amount of the individual basic tariff, half the premium in the basic tariff (§ 152 Abs. 4 VAG) (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 VVG) (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 76.06 euro per month in 2023. 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.

The subsidies for private health and long-term care insurance are paid by the Jobcenter directly to the private insurance company (§ 26 Abs. 5 SGB II) (Sect. 26 para. 5 Social Code II).

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

In addition to citizen's benefit, you will also receive other subsistence benefits if the relevant conditions for these benefits 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 citizen's 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. Forms to be filled out by the school, for example, can be found on the Internetseite (website) of the Senate Administration for Education, Youth and Family.

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

## Good to know:

With the Berlin-Pass BuT, you can – as with the new entitlement certificate (formerly: Berlin-Pass) – also receive reduced or even free admission in Berlin, for example to public swimming pools, museums and other events. For more details, see chapter 18 in section 4. "Social ticket and more".

### 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 on a form 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) on a form. The application for reimbursement of travel expenses is submitted to the Jobcenter along with the confirmation from the kindergarten or daycare centre. This cost confirmation must be subsequently submitted to the Jobcenter. The Jobcenter transfers the benefits to the kindergarten or daycare centre.
- **For school trips**, the responsible teacher at the school must confirm the details on a form. The beneficiaries then submit the application to the Jobcenter. The money is transferred to the teacher's travel expense account.

If parents have already paid the travel costs themselves, they will be reimbursed to the parents by the

Jobcenter. 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 174 euro in 2023, of which 58 euro as of 1 February for the second half of the school year and 116 euro as of 1 August for the first half (§ 28 Abs. 3 SGB II; § 34 Abs. 3 SGB XII and Anlage zu § 34) (Sect. 28 par. 3 Social Code II; Sect. 34 par. 3 Social Code XII and Annex to Sect. 34). 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 (§ 34 Abs. 3a SGB XII) (Sect. 34 par. 3a Social Code XII).

### 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 and the completed additional form for supplementary learning assistance at school. The school checks the application and approves the assistance by providing it.

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, including those not in need of assistance

- 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. Insofar as this covers the need for student transportation, no BuT benefits are granted.

The personal ticket is issued as a chip card “fahrCard”. It can only be ordered online at [www.BVG.de/schuelerticket](http://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 9 euro (provisionally from January to December 2023) or 27.50 euro for the AB fare zone. You can find out more information about the Berlin ticket S in Chapter 18 in section 4 “Social ticket and more”.

The Jobcenters also have to cover higher costs for school transportation either as a voluntary benefit (state of Berlin) or as a compulsory benefit (BuT), for example for a subscription in the fare zone ABC in the amount of 63.33 euro, 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 will also cover travel costs to more distant schools if they have an independent profile with a special focus on content compared to “closer schools”. 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 by the Jobcenter if the card 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 – 1 BvL 10/12) (Decision of the Federal Constitutional Court of 23.7.2014 – 1 BvL 10/12, 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 to ensure subsistence.

### Please note:

You must always apply for the one-off benefits separately. You must submit the application before you make the purchase (§ 37 Abs. 2 Satz 1 SGB II) (Sect. 37 par. 2 sentence 1 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 that have become defective or otherwise unusable (see this chapter in section 2.4 - Loans for irrefutable needs - in this Chapter).

### Good to know:

You will also receive benefits for initial equipment/outfitting if you are not currently receiving benefits from the Jobcenter because your income is just above your subsistence level, but you are not able to cover upcoming larger purchases entirely from your own income or assets, for example on the occasion of the birth of a child. In this case, your income can be taken into account for a period of up to six months after 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 young adults who move 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 of the Senat Administration under no. I.2 and in [Anlage 1](#) (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 ([Erstausrüstung mit Bekleidung](#)) (Nr. I.3 des Rundschreibens und [Anlage 2](#)) (no. I.3 of the circular and Annex 2). 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 citizen's benefit 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 vom 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 - with the exception, for example, of protected retirement assets ([§ 42a Abs. 1 Satz 1 SGB II](#)) (Sect. 42a par. 1 sentence 1 Social Code).

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 generally starts after the month of its disbursement. Ten percent (from 1 July 2023: five 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 one-time additional need is not covered by the standard need, additional needs may be considered (for more information see Chapter 5 in section 2.5 “Irrefutable special needs - Additional need in case of hardship”).

## 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), including taking up or continuing temporary work, minor or 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 a 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. According to the instructions of the Federal Employment Agency, 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, what is a cooperation plan?

### Regulations until 30 June 2023:

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 in the version valid until 30 June 2023).

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 months.

You do not need to sign the Integration Agreement if you do not agree with the content. The Jobcenter cannot therefore impose a sanction.

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 integration 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.

### Regulations as of 1 July 2023:

The integration agreement will be gradually replaced by the cooperation plan by the end of 2023 (§ 15 SGB II) (§ 15 SGB II) Sect. 15 Social Code II in the version valid as of 1 July 2023). As of 2024, integration agreements that have not been replaced by a cooperation plan will lose their validity in the second half of 2023 (§ 65 Abs. 5 SGB II) (Sect. 65 par. Social Code II).

A cooperation plan is to be agreed upon with all persons *eligible* for benefits who are fit to work.

The basis for drawing up the cooperation plan is usually an analysis of your individual strengths, professional skills and suitability for future activities and measures (potential analysis), which you carry out *together* with the job adviser before concluding the cooperation plan.

The cooperation plan sets out in text form the integration goal and the specific steps to be taken to place you in work. It is to be drawn up jointly by the Jobcenter and you and updated *jointly* after six months at the latest.

As with the integration agreement, you do not have to agree to the cooperation plan if you do not agree with its content. The Jobcenter cannot therefore impose a sanction.

## Our advice:

Check whether the cooperation plan meets your expectations. You may take it home and ask for time to think it over. You can also suggest corrections or additions that you think would be useful.

## Good to know:

If you do not agree with the Jobcenter on the drafting or continuation of a cooperation plan, you and your adviser have the option of calling mediation (more on this in the next section).

Even if a cooperation plan is reached, it does not itself - unlike the integration agreement - provide a legal basis for imposing a sanction if you violate the agreement. The cooperation plan does not contain any instruction on legal consequences. However, the Jobcenters are required to regularly check whether you are complying with the agreements set out in the cooperation plan. Your Jobcenter will therefore, for example, continue to make you offers of jobs or measures and threaten to reduce your benefits if you do not pursue and accept the offers.

If no cooperation plan is reached, possibly after mediation, the Jobcenter must unilaterally determine by notice the integration efforts you are to fulfil. You will then be requested in writing to cooperate, pointing out the legal consequences, for example to provide evidence of your own efforts, to participate in measures or to apply for placement proposals. If you do not comply with the request to cooperate in accordance with [§ 15 Abs. 5](#) oder [Abs. 6 SGB II](#) (Sect. 15 par. 5 or 6 Social Code II), you may be subject to a sanction.

## Good to know:

You can lodge an objection against the notice requiring you to cooperate in accordance with [§ 15 Abs. 5](#) oder [Abs. 6 SGB II](#) (Sect. 15 par. 5 or 6 Social Code II). However, the obligations arising from the notice will continue to apply to you for the time being. You should absolutely comply with them, otherwise you may be subject to a sanction. You can also apply to the Social Court for the objection to have a suspensive effect.

The obligations to cooperate in the “integration into employment” process, which are stipulated in the notice, apply in addition to your general obligations to cooperate, which stipulate, for example, that you must notify the Jobcenter immediately of any changes that affect your benefits (see Chapter 13 “What are your obligations to cooperate?”).

### New: The mediation procedure

The mediation procedure ([§ 15a SGB II](#)) is to be carried out by “a previously uninvolved person within or outside the Jobcenter who is not bound by instructions”. The specific design of the procedure is up to each individual Jobcenter and may differ from Jobcenter to Jobcenter.

The aim of mediation is to reach an agreement. If an agreement is reached, it must generally be taken into account by the Jobcenter. If no agreement is reached within four weeks of the start of mediation, the mediation procedure ends.

## Good to know:

During the period of mediation, benefit reductions are not permitted due to breaches of duty that you commit, such as refusing job offers or measures to integrate you into work.

### 3. What benefits can the Jobcenter provide for starting work?

The Jobcenter *can* grant “benefits for integration into work” to beneficiaries who are fit to work.

## Please note:

If you also receive unemployment benefits in addition to the citizen's benefit, it is not the Jobcenter but the Employment Agency that is responsible for your placement and promotion into work.

According to case law, the application for citizen's benefit 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.

When awarding integration benefits, the Jobcenter must observe the following discretionary principles (§ 3 SGB II) (Sect. 3 Social Code II), among others:

- The integration service in question must be necessary and suitable for you in order to eliminate or reduce your need for assistance.
- In principle, priority is given to services that place you directly in gainful employment and training. However, priority is not given to placement if permanent integration into gainful employment requires you to undergo further vocational training or retraining because you do not have a vocational qualification or your vocational qualification is no longer usable on the labor market (see Bundestagsdrucksache 20/3873 (Bundestag document 20/3873), p. 70).

## Our advice:

In order to convince your job adviser that a certain further vocational training is "necessary" and "suitable" for you, you should show them on the basis of rejected applications that you have no chances of being permanently hired with your previous qualifications. Use job advertisements or articles from trade journals to show that you lack necessary qualifications and that your chances of employment will be significantly improved by the proposed continuing vocational training. Note that both the measure and the sponsor of the measure must be approved for funding.

The priority of placement in an employment or training relationship also does not apply when it comes to access to support for a viable business start-up with start-up allowance (§ 16b SGB II) (Sect. 16b Social Code II). For persons who do not have sufficient German or job-related language skills, participation in an integration course (§ 43 AufenthG) (Section 43 Residence Act) or job-related German language support (§ 45a Abs. 1 AufenthG) (Sect. 45a par. 1 Residence Act) is a priority if they are eligible to participate.

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,
- **Measures for vocational training and retraining** (§§ 81-87 SGB III) (Sect. 81-87 Social Code III) from 1 July 2023: including continuing vocational training bonuses, continuing vocational training allowance, and citizen's benefit bonus (see next section for more details),
- **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 or citizen's benefit 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, the Jobcenter can also support persons eligible for citizen's benefit who are not capable of working (§ 7 Abs. 2 Satz 2 SGB II) (Sect. 7 par. 2 sentence 2 Social Code II).

#### 4. Who can receive continuing training bonuses, continuing training allowances or citizen's benefit bonuses?

##### Regulations as of 1 July 2023:

Beneficiaries who are capable of working and who participate in a continuing vocational training measure funded under § 81 SGB III (Sect. 81 Social Code III), in which they can obtain a vocational qualification (retraining) after a prescribed training period of at least two years, receive a **further continuing training allowance** of 150 euros per month as a financial incentive in addition to the citizen's benefit.

For successful completion of the intermediate and final examinations, participants in the above-mentioned measures also receive **continuing training bonuses** of 1,000 euros and 1,500 euros respectively (§ 16 Abs. 1 Satz 2 Nr. 4 SGB II) (Sect. 16 par. 1 sentence 2 no. 4 Social Code) in conjunction with with Section 87a SGB III).

A **citizen's benefit bonus** in the amount of 75 euros per month is available to beneficiaries as long as they participate in one of the following measures (§ 16j SGB II) (Sect. 16j Social Code II):

- Continuing vocational training measures (§§ 81, 82 SGB III; § 49 Abs. 3 Nr. 4 SGB IX) (Sect. 81 and 82 Social Code III; sect. 49 par. 3 no. 4 Social Code IX), provided the measure has a minimum duration of eight weeks and no continuing training allowance is paid,
- Vocational preparation training measures (§ 51 SGB III; § 49 Abs. 3 Nr. 2 SGB IX) (Sect. 51 Social Code III; sect. 49 par. 3 no. 2 Social Code),
- Measures in the preliminary phase of assisted training (§ 75a SGB III) (Sect. 75a Social Code III) or
- Measures to support hard-to-reach young people (§ 16h SGB II) (Sect. 16h Social Code II).



The bonus is paid in arrears in the following month. In the case of partial months, the monthly lump sum of 75 euros is paid pro rata.

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

According to § 3 Abs. 2a SGB II (Sect. 3 par. 2a Social Code II) (from 1 July 2023: § 3 Abs. 4 SGB II (Sect. 3 par. 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 include, 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 requested to enrol at a course provider by concluding a cooperation agreement or an integration administration act (notice) and to participate in the measure after acceptance.

## Chapter 9 | How are incomes taken into account?

Whether and to what extent revenue may be credited to benefits is regulated in Sections 11 to 11b Social Code II and in the Citizens' Benefit Ordinance (Citizen's Benefit- Ordinance).

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

All income in money, that accrues to you during the period in which you are entitled to a citizen's benefit 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 and donations.

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 und 6 Bürgergeld-V) (Sect. 2 par. 5 Citizen's Benefit Ordinance).

#### Income not to be taken into account

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 Bürgergeld-V) (Sect. 1 par. 1 no. 4 Citizen's Benefit 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 Bürgergeld -V) (Sect. 1 par. 1 no. 12 Citizen's Benefit Ordinance),
- **Until 30 June 2023: 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. 1 Nr. 16 Bürgergeld-V) (Sect. 1 par. 1 no. 16 Citizen's Benefit Ordinance), as of 1 July 2023: The remuneration limit will no longer apply, so that students under 25 years of age at general or vocational schools can earn an unlimited amount of additional income during school vacations without deductions of benefits (§ 11a Abs. 7 SGB II) (Sect. 11a par. Social Code II ),**
- 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 Bürgergeld -V) (Sect. 1 par. 1 no. 8 Citizen's Benefit Ordinance),
- Expense allowances acc. to § 1878 BGB Sect. 1878 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 citizen's benefit (e. g. employee savings allowance, housing premium) (§ 11a Abs. 3 Satz 1 SGB II) (Sect. 11a par. 3 sentence 1 Social Code III),
- The 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),
- the lump-sum operating subsidies paid on the basis of the "new start-up assistance" funding element of the federal program Überbrückungshilfe III (bridging allowance) (§ 1 Abs. 1 Nr. 14 Bürgergeld-V) (Sect. 1 par. no. 14 Citizen's Benefit Ordinance),
- the inflation compensation premium in the form of cash or non-cash benefits that employers can pay to mitigate increased consumer prices in the period from October 26 to December 31, 2024 up to a total of 3,000 euros tax-free pursuant to § 3 Nr. 11c EStG (Sect. 3 No. 11c Income Tax Act) (§ 1 Abs. 1 Nr. 7 Bürgergeld-V) (Sect. 1 par. 1 No. 7 Citizen's Benefit Ordinance).

#### From 1 July 2023 also

- tax-exempt income from voluntary activities pursuant to § 3 Nr. 12, 26 und 26a EStG (Sect. 3 no. 12, 26 Income Tax Act) up to an amount of 3,000 euros per calendar year (§ 11a Abs. 1 Nr. 5 SGB II) (Sect. 11a par. 1 no. 5 Social Code II); **until 30 June 2023, the regulation described in Section 2.1 (c) of this chapter applies to voluntary activities,**
- maternity benefit (§ 19 MuSchG) (Sect. 19 Maternity Protection Act) during the protection period before and after the birth of a child (§ 11a para. 1 no. 6 SGB II) (Sect. 11a par. 1 no. 6 Social Code II) and
- Inheritances (§ 11a (1) no. 7 SGB II) (Sect. 11a par. 1 no 7 Social Code II) - they are added to the assets in the month following their receipt.

As a rule, loans are also excluded, for example a student loan from KfW-Bank. However, social benefits granted by the government 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.

### Current and non-recurring revenue

If revenue is to be considered as income, it will be set off against the need in the following periods:

Revenue that accrues monthly, for example salary payments, unemployment benefit, parental allowance or child benefit, is set off against the need in the calendar month in which it accrues, according to the accrual or monthly principle. This also applies if they are credited to the account only on the last day of the month (§ 11 Abs. 2 SGB II) (Sect. 11 par. 2 Social Code).

#### Regulation until 30 June 2023:

Revenue that is received only once or on an occasional basis, for example tax refunds, severance payments, vacation pay or Christmas bonuses, but also back pay wages or salaries or back payments of current social benefits, is taken into account either in the month of receipt, in the following month or spread over six months to reduce the need (§ 11 Abs. 3 SGB II) (Sect. 11 par. 3 Social Code II) in the version valid until 30 June 2023).

#### Regulation as of 1 July 2023:

One-off or occasionally recurring revenue is also taken into account as income in the same way as current revenue in the month in which it is received. The only exception is revenue that is not paid for the month in which it is received but for previous months. They are set off against the need in the month of receipt or spread over six months from the month of receipt (§ 11 Abs. 3 SGB II) (Sect. 11 (3) Social Code) as amended from 1 July 2023).

You can find out more about the offsetting of non-recurring income in this chapter in section 3. "How is non-recurring income set off?"

## 2. How is income set off against the need?

The calculation of countable income differs significantly in some cases, depending on whether it is earned income from employment or from self-employment including freelance work, or so-called effortless income, for example from entitlements to social benefits. The three types of income are considered separately below.

### 2.1 Income from gainful employment

**Employees** are persons who are obliged to make their labor available to employers in return for remuneration on the basis of employment contracts. Employees include, in particular, blue-collar workers, white-collar workers and persons employed for vocational training (trainees).

Section c) also covers the tax allowance regulations applicable until 30 June 2023, for **volunteers who work in non-profit associations or charitable organizations**, for example, as part of the tax-free lump-sum allowance for exercise leaders or voluntary work.

### a) Deduction amounts

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, who is capable to work, 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 citizen’s benefit 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 not to beneficiaries who are not capable to work. Exception: Children under the age of 15 can also earn 100 euro per month without deductions (§ 1 Abs. 1 Nr. 9 Bürgergeld-V) (Sect. 1 par. 1 no. 9 Citizen’s Benefit Ordinance).

### Good to know:

In order not to disadvantage persons who are entitled to citizen’s benefit and not capable to work, the Jobcenter grants an allowance amounting to 30 percent of their earned income, limited to 50 percent of the standard needs level 1 (2023: 251.00 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 citizen’s 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 insurances) 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). 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. Exemption from insurance, as is often the case for self-employed persons, is not sufficient for this purpose.

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 for employed persons

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

#### Regulation until 30 June 2023:

In addition to the basic lump sum of 100 euro for employed persons, who are eligible to benefits and are capable to work 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 as amended until 30 June 2023), 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.

#### Regulation as of 01 July 2023:

In addition to the basic lump sum of 100 euro for employed persons, who are eligible to benefits and are capable to work 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 as amended as of 1 July 2023), namely in the amount of

- 20 percent for the part of the gross salary/wage that exceeds 100 euro but does not exceed 520 euro, and
- 30 percent for the part of the gross salary/wage that exceeds 520 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,
- the employer's supplement to maternity pay during the periods of protection for pregnant women before and after childbirth, but not maternity pay,
- short-time allowance, and
- insolvency payments.

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

**Example:** *Mrs. A. is married and earns 1,630 euros gross per month as an employee, which corresponds to about 1,300 euros net with tax class III. How much income is counted towards the needs of the community of need?*

**Regulation until 30 June 2023:**

*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.*

**Regulation as of 1 July 2023:**

*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 84.00 euro  
(20 percent from 100 to 520 euro gross income)*

*– Tax exempt amount for gainfully employed persons 1440.00 euro  
(30 percent from 520 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 952,00 euro.*

**b) Higher basic lump sum for employed trainees, pupils, students and other persons under 25 years of age**

**Regulation as of 1 July 2023:**

For employable trainees, pupils and students as well as participants in federal and youth voluntary services under the age of 25 who are gainfully employed, the basic monthly allowance is not 100 euros but currently 520 euros per month (§ 11b Abs. 2b SGB II) (Sect. 11b par. 2b Social Code II). The pocket money earned by young adults in the context of voluntary services is considered income from gainful employment in this context.

The amount of this basic lump sum is dynamic; it is based on the mini-job limit, which in turn is linked to the development of the statutory minimum wage.

The increased basic lump sum is deducted from the earned income of trainees, pupils and students who attend

- a training program eligible for funding under the Federal Training Assistance Act (BAföG) or
- in-company or inter-company training or vocational preparation measures that are eligible for funding under Social Code III.

It is sufficient if the training is eligible for support on *the merits*; it is not necessary to receive state benefits for training support, for example federal training assistance (BAföG) or vocational training grants (BAB), in order to receive the increased basic lump sum.

The basic lump sum must also be deducted from earned income if

- pupils at general or vocational schools *outside school vacations* are gainfully employed. This also applies during a three-month period after completion of general schooling. Income earned by these pupils *during the school vacations* is not taken into account at all (for more information, see section 1 “Which income is taken into account and which is not”).

The increased basic lump sum also benefits

- participants in federal or youth volunteer services who are younger than 25 years old. Not only the full pocket money from the voluntary services, but also income from gainful employment that is earned in addition to the voluntary services is not offset.

The 520 euro lump sum can be deducted not only from income from employment, but also from income from self-employment (more on the offsetting of “income from self-employment” in section 2.2 in this chapter).

In order to prevent working trainees, pupils and students under the age of 25 from benefiting twice, they will only receive the additional earned income allowance (see above) if their gross income exceeds EUR 520 per month (§ 11b Abs. 3 Satz 3 SGB II (Sect. 11b par. 3 sentence 3 Social Code II) as amended from 1 July 2023).

All other employed trainees, pupils and students, in particular those who have reached the age of 25, will only receive - as was already the case before 1 July 2023 - the regular 100-euro basic lump sum for employed persons and the employment allowance starting at 100 euros per month.

For participants in the Federal and Youth Volunteer Services who are 25 years of age and older, the pocket money, if applicable together with other earned income, is exempt from the offsetting up to an amount of 250 euros per month (§ 11b Abs. 2b Satz 3 SGB II (Sect. 11b par. 2b sentence 3 Social Code II)).

For more information on the offsetting of educational assistance benefits and pocket money in the context of voluntary services, please refer to Section 2.3 “Effortless’ Income” in this chapter and there to “Allowances”.

### c) Higher basic lump sum for voluntary work

#### Regulation until 30 June 2023:

If you receive a salary, fee or other income from a secondary occupation as an employee that is tax-exempt according § 3 Nummer 12, 26 oder 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 as amended until 30 June 2023).

Activities for which you can claim, for example, the “coach/trainer allowance” or the “voluntary work allowance” are eligible. 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 income from the above-mentioned voluntary activities is to be taken into account like *earned income*. 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.



**Regulation as of 1 July 2023:**

Income from the above-mentioned voluntary activities is disregarded as income up to an amount of 3,000 euros in a calendar year (see in this chapter in section 1. “Which income is taken into account and which is not?”).

**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.*

**Regulation until 30 June 2023:**

*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 per month.*

**Regulation as of 1 July 2023:**

*Income from the trainer activity is disregarded as income as long as Mr. A does not earn more than 3,000 euros in a calendar year from tax-free trainer activities.*

**d) Fluctuating income and provisional decision**

Jobcenters must provisionally grant the citizen’s benefit if

- the conditions for the entitlement have not yet been conclusively clarified but are highly likely to exist, or
- the conditions for entitlement have been proven, but the amount of the entitlement has not yet been finally determined,

and therefore the decision on the benefit is likely to take a longer time (§ 41a Absatz 1 SGB II) (Sect. 41a par. 1 Social Code II).

Preliminary approval for employees 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). The same applies to self-employed persons; more on this in the next section.

Your provisional benefits must always be calculated in such a way that your monthly needs are covered by your income and the supplementary citizen’s benefit 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.

## Good to know:

The Jobcenter may only demand reimbursement of benefits from you if the total amount to be reimbursed exceeds 50 euros for the entire community at need (§ 41a Absatz 6 SGB II) (Sect. 41a par. 6 Social Code II).

## 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 citizen's benefit.

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.

### 2.2 Income from self-employment

Self-employed persons receive a provisional approval of their citizen's benefit for a period of usually six months. The explanations on the preliminary decision in the previous section apply accordingly to self-employed persons. However, the special regulations of § 3 Bürgergeld-Verordnung (Sect. 3 Citizen's Benefit Ordinance) 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 Bürgergeld-V) (Sect. 3 par. 1 and 2 Citizen's Benefit Ordinance). 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 be accepted by the Jobcenters.

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 Bürgergeld-V) (Sect. 3 par. 2 and 3 Citizen's Benefit Ordinance).

## 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. There is no legal obligation to obtain the Jobcenter's prior approval.

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 Bürgergeld-V) (Sect. 3 par. 4 Citizen's Benefit Ordinance). 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 1 January 2023, 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" and in the following example. Please note here: The tax-exempt amount is calculated from the profit.

**From 1 July 2023:** If you are self-employed as trainee, pupil or student and eligible for benefits you can even deduct 520 euros from your monthly profit as a basic lump sum.

## Please note:

Beneficiaries who are not capable to work do not receive the 100 euro basic lump sum or the 520 euro basic lump sum (in effect as of 1 July 2023) or the gainful employment allowance, but - like social assistance recipients in Social Code XII - only an allowance amounting to 30 percent of their earned income, limited to 50 percent of the standard needs level 1 (2023: 251 euros).

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 abgeschlossen haben,
- Beiträge zur gesetzlichen Rentenversicherung für Selbstständige, die nach § 2 SGB VI (Sect. 2 Social Code VI) or
- Maintenance payments made under the conditions described in this Chapter 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 2.1 "Deduction amounts" under "100 euro lump sum".

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 88 euro (2023).

Her eligible income is calculated as follows

#### Regulation until 30 June 2023

##### 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), 88 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 740 euro.

#### Regulation as of 1 July 2023

##### 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), 88 euro

– basic lump sum 100 euro

– employee tax exempt amount (20 percent from 100 euro to 520 euro) 84 euro

– employee tax exempt amount (30 percent from 520 euro to 1,000 euro) 144 euro

– employee tax exempt amount (10 percent from 1,000 euro to 1,120 euro) 12 euro

= eligible amount is 692 euro.

## Good to know:

As long as you are self-employed and receive as person capable to work “supplementary” citizen’s benefit, 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). 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 self-employment was exercised (§ 3 Abs. 4 Bürgergeld-V) (Sect. 3 par. 4 Citizen’s Benefit Ordinance).

You will then be paid citizen’s benefit in arrears or have to repay benefits to the Jobcenter.

## 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 comply with the request. 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 in time. The Federal Social Court has ruled that your documents must then still be taken into account until the appeal proceedings before the Regional Social Court (BSG vom 12.9.2018 - B 4 AS 39/17 R and of 29.11.2022 – B 4 AS 64/21 R).

### 2.3 “Effortless” incomes

The 100-euro basic lump sum for gainfully employed persons and the basic lump sum of 520 euro (effective as of 1 July 2023) as well as 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 community at need. 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.

As a general rule, the 30 euro insurance lump sum, if applicable also contributions to motor vehicle liability insurance and Riester pension scheme, must be deducted monthly from the child allowance transferred. The condition is in particular that these deductions have not already been taken into account by the child or the person entitled to child allowance, for example in the case of employed persons within the framework of the 100-euro basic lump sum.

#### 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 Bürgergeld-V) (Citizen’s Benefit Ordinance) 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 Social Code III, the training assistance in accordance with BAföG or the comparable benefits provided by the organisations for the promotion of gifted individuals unless the 100 euro basic lump sum for employed persons or the 520 euro basic lump sum for trainees, pupils and students who are capable to work has already been taken into account, e.g. due to the payment of a training allowance (§ 11b Abs. 2 Satz 5 SGB II (Sect. 11b par. 2 sentence 5 Social Code II) as amended until 30 June 2023; as of July 1: § 11b Abs. 2b Satz 4 SGB II (Sect. 11b par. 2b sentence 4 Social Code II)).
- up to 300 euro per month from scholarships under the Stipendienprogramm-Gesetz Scholarship Programme Act),
- until 30 June 2023: up to 250 euros per month from the pocket money received by beneficiaries during federal or youth voluntary service. The allowance is reduced accordingly if the 100 euro basic

lump sum for gainfully employed persons or deductions replacing the basic lump sum are already claimed due to gainful employment (§ 11b Abs. 2 Satz 6 SGB II) (Sect. 11b par. 2 sentence 6 SGB II as amended until 30 June 2023); from 1 July 2023: up to 520 euros (2023) per month from pocket money and other earned income if employable beneficiaries under 25 years of age complete a federal or youth voluntary service; volunteers from the age

- of 25 can earn only 250 euros per month with the pocket money alone or together with other earned income free of deductions (§ 11b Abs. 2b Satz 1 bis 3 SGB II) (Sect. 11 par. 2b sentences 1 to 3 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 citizen's benefit 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 citizen's benefit; 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 citizen's benefit 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 (2023: 251 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 VI § 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).

### 3. How is one-time income counted?

#### Regulation until 30 June 2023:

The non-recurring or occasionally recurring income includes, for example, severance payments, holiday and Christmas bonuses, tax refunds or back payments of wages/salaries and social benefits, such as BAföG, parental or child allowances.

Non-recurring income is taken into account in the month they occur or, if the citizen's benefit 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 of accrual, 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 as amended until 30 June 2023).

#### Regulation as of 1 July 2023:

Income that is received on a one-off or occasional basis is counted as income in the month in which it is received. Only income that is not paid for the month in which it is received but for past months, in particular back payments of wages or social benefits such as child benefit or parental allowance, is subject to special rules.

If the entitlement to benefits ceases to exist when the adjusted additional payment is taken into account in the month of accrual, the additional payment is to be divided equally over a period of six months from the month of accrual and a corresponding partial amount is to be taken into account each month (§ 11 Abs. 3 SGB II) (Sect. 11 par. 3 Social Code II) as amended as of 1 July 2023). If the entitlement to benefits does not cease in the month of its accrual, the additional payment shall only be offset against the need in the month of accrual.

**Example:** *The monthly citizen's benefit of the couple E. is 1,600 euro. Following a court ruling, Mr. E. receives unemployment benefit from the unemployment insurance amounting to 1,800 euro retrospectively. His wife owns a car (vehicle liability insurance amounting to 360 euro a year).*

**Step 1:** *The back paid unemployment benefit exceeds the couple's monthly needs. Deductions for advance adjustment of income do not apply here.*

**Step 2:** *Distribution of the back payment over six months:  
1,800 euro/6 months = 300 euro per month*

**Step 3:** *Adjustment of the distributed back payment:  
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, according to the instructions of the Federal Employment Agency, the allowances must be taken into account for each subsequently paid month before the income is distributed (compare [Weisungen zu §§ 11-11b SGB II](#) (Instructions to sections 11-11b Social Code II) as of August 19, 2022, marginam number 11.16a). 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".

The entitlement to benefits ceases completely if, after distribution of the adjusted on-time revenue, the entitlement no longer exists in all six months. The funds have not been used are considered as assets after the six months and are thus protected in many cases 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. Tangible assets that you acquire *while* receiving benefits from the basic income support for jobseekers also generally count as assets.

Assets shall be taken into account to the extent that they are realizable or not exempt from realization (Section 1) and exceed the asset allowances (Section 2).

### 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. 1 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 – after deduction of the liabilities attached on the motor vehicle - do not exceed an amount of euro 15,000,
- an owner-occupied adequate residential property. A living space of 130 square meters is considered *adequate* for a condominium for up to four occupants and a living space of 140 square meters for an owner-occupied single-family house. For each additional resident, the appropriate living space is increased by a further 20 square meters. In cases of particular hardship, even larger living spaces can be recognized,
- *Insurance contracts intended for retirement provision;*
- all forms of old-age *provision that are explicitly subsidized as old-age provision under federal law*, for example “Riester pensions” or occupational pensions under the German Occupational Pensions Act;
- in the case of (formerly) self-employed persons, other assets, *irrespective of the form of investment*, if they are (subjectively and objectively) intended for retirement provision. For each year or part thereof of full-time self-employment in which no contributions were paid to the statutory pension insurance, to a public insurance scheme or to a pension scheme of a professional group, an amount of 8,000 euros (2023) is not to be liquidated,
- 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 Bürgergeld-V) (Citizen’s Benefit Ordinance),
- 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?

The amount of your asset allowance and the extent to which existing owner-occupied housing is protected depend on whether or not you are in the “waiting period.”

#### During the Karenzzeit (waiting period)

After the first application for a citizen’s benefit, a waiting period applies in the first year of benefit receipt (§ 12 Abs. 3 SGB II) (Sect. 12 par. 3 Social Code II).

If the citizen’s benefit is interrupted during the one-year waiting period, the waiting period is “extended” by full months without benefit receipt; the waiting period then ends correspondingly later.

People who already received basic income support benefits before the Citizen’s Benefit Act came into force can also take advantage of the one-year waiting period. The reason: Receipt of benefits under Social Code II or Social Code XII before 1 January 2023 is not to be counted toward the waiting period (§ 65 Abs. 3 SGB II). (Sect. 65 par. 3 Social Code II). Examples can be found in Chapter 5 in Section 3.2 a)

“Reference values for reasonable gross rents (excl. heating and hot water) and waiting period”.

## Please note:

There is no waiting period if, taking into account your income, you are only in need of assistance for one month and receive benefits under Social Code II, for example because of a high demand for back payment from your landlord regarding heating costs (§ 12 Abs. 6 SGB II) (Sect. 12 par. 6 Social Code II). In principle, the same conditions apply to you as for the asset examination after the end of the waiting period (see below).

### The following special regulations apply during the waiting period:

- An owner-occupied residential property is not taken into account as an asset, even if its living space is unreasonably large.
- Assets are only taken into account if they are “substantial”. Assets are considered substantial if they exceed 40,000 euros for the (first) person entitled to benefits and 15,000 euros for each additional person in the community at need. Assets that are exempt from realization (see Section 1 “What assets are realizable?”) are not included in this calculation. Unused allowances of one person can be transferred to other persons in the community at need (§ 12 Abs. 4 SGB II) (Sect. 12 par. 4 Social Code II). This means: As a rule, the sum of the asset allowances can be compared to the total assets of the community at need.

**Example:** Family B. has saved the following amounts of money: husband (10,000 euros), wife (60,000 euros) and child (no assets). Their total assets amount to 70,000 euros.

The total allowance for the family is calculated from 40,000 euros for the first person and 15,000 euros for each of the two other persons in the community at need, making a total of 70,000 euros.

**Result:** Due to the transfer of the unused allowances from Mr. B. and his child to Mrs. B., the family is in need of assistance.

## Please note:

Unmarried children under the age of 25 only belong to the community at need if they are in need of assistance. If they have assets of more than 15,000 euros to be taken into account, they do not belong to the community at need. In this case, it is not possible to transfer unused tax allowances of the parents to the children.

- The Jobcenter *assumes that there are* no significant assets if the applicant declares this in the application and the mandatory self-disclosure (Anlage Vermögen) (Annex Assets) does not show otherwise. According to the legislator, proof of existing assets should only be submitted in *individual cases* at the request of the Jobcenter.

## Good to know:

Appropriation periods that began by the end of 2022 are subject to the Corona special regulations (§ 67 SGB II) (Sect. 67 Social Code II). According to the technical instructions of the Federal Employment Agency, the old materiality limits of 60,000 euros for the first person and 30,000 euros for each additional person in the community at need still apply in these cases in the first six months of the appropriation period.

### After expiry of the waiting period

After the end of the waiting period, each person in the community at need has an asset allowance of a lump sum of 15,000 euros, regardless of age. Unused allowances of one person can - with the exception

described above - be transferred to other persons in the community at need ([§ 12 Abs. 2 SGB II](#)) (Sect. 12 par. 2 Social Code II).

Owner-occupied residential property is only protected to a reasonable extent (see more details in this chapter in Section 1 “What assets are realizable?”).

In addition, a “normal” asset examination is carried out with the obligatory submission of all evidence of existing assets.

The stricter exemption amount regulations (15,000 euros per person) and the examination of the adequacy of owner-occupied residential property also apply in cases where no waiting period occurs because benefits are only received for one month (see above). However, in the procedure for examining existing assets, the same simplifications are then to apply as for persons in the waiting period.

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

If your realisable assets exceed the 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 citizen’s benefit 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 vom 20.2.2020 - B 14 AS 52/18 R](#)).

If the assets of an unmarried 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 according to Social Code II ([§ 7 Absatz 3 Nr. 4 SGB II](#)) (Sect. 7 par. 3 no. 4 Social Code II).

#### Please note:

If the relevant assets cannot be used immediately, but only can be used at a later date, you are considered to be in need nonetheless ([§ 9 Abs. 4 SGB II](#)) (Sect. 9 par. 4 Social Code II). Consequently, you receive then citizen’s benefit 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), without you being responsible for this, citizen’s benefit is to be granted as a subsidy. The Jobcenter decides again at the beginning of each period whether your assets can be used (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 alimony and maintenance claims taken into account in alimony?

If you are paid alimony by a third party, for example relatives or the separated spouse, the alimony will be counted as an effortless income, regardless of whether it was paid to you on the basis of a legal claim or voluntarily. You can find out more about the offsetting of effortless income in Chapter 9, Section 2.3 “Effortless’ incomes”.

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.

2<sup>nd</sup> and 3<sup>rd</sup> 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?

Persons entitled to the citizen's benefit are threatened with benefit reductions or sanctions if they violate their obligations or fail to report. The benefits of the persons who violate their duties or fail to report are reduced, not the benefits of the other members of the community at need.

Since the introduction of the citizen's benefit, the legislator no longer speaks of sanctions, but uses the bureaucratic term "benefit reductions."

### 1. When do you fail to report?

You fail to report if you receive citizen's benefit 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). The regulation applies to all benefit recipients, whether they are capable to work or not.

"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.

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 (2023: 50.20 euro per month for single persons) for a period of one month. The reduction 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, but may not exceed a total of 30 percent of your standard need.

## 2. What are breaches of duty?

As a person who is capable to work, 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 (as of 1 July 2023: obligations stipulated in a request for cooperation pursuant to § 15 Abs. 5 oder Abs. 6 SGB II (Sect. 15 par. 5 or 6 Social Code II) as amended as of 1 July 2023),
- 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 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

- persons entitled to citizen's benefit who are capable to work terminate their employment without good cause or give cause for termination of employment through a breach of the employment contract, or
- adult persons entitled to citizen's benefit reduce 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?).

## 3. What are the sanctions for breaches of duty?

The amount and duration of the sanctions are based on the number of established violations of obligations in a given period (§ 31a Abs. 1 SGB II) (Sect. 31a par. 1 Social Code II).

- After a (first) breach of duty, the citizen's benefit may be reduced for one month by an amount equal to 10 percent of the applicable standard need (2023: 50.20 euros for single persons).

Higher and longer sanctions may only be imposed if benefits have already been reduced by notice due to a breach of duty and a duty is breached again within one year of the start of the previous reduction period.

- After each further (third, fourth ...) breach of duty committed within one year after the occurrence of the respective last reduction, benefits are reduced for three months at a time by an amount equal to 30 percent of the relevant standard need per month (2023: 150.60 euros per month for single persons).

## Good to know:

If, in the case of a new breach of duty, more than one year has passed since the start of the last sanction, the Jobcenter may again reduce the citizen's benefit by an amount equal to 10 per cent of the applicable standard needs for only one month.

### 4. What rules still apply in the case of sanctions?

Before and after issuing sanctions, Jobcenters must observe the following rules:

- 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 (§ 31a Abs. 3 SGB II) (Sect. 31a par. 3 Social Code II). 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, especially due to psychological problems of the beneficiary. The reduction of the financial benefit in itself should not constitute an exceptional hardship.
- A sanction may not reduce the benefits for accommodation and heating (§ 31a Abs. 4 Satz 2 SGB II) (Sect. 31a par. 4 sentence 2 Social Code II). This applies in particular to so-called top-up recipients who have to supplement their earned income with citizen's benefit. Since income is first offset against the standard and additional needs (§ 19 Abs. 3 Satz 2 SGB II) (Sect. 19 par. 3 sentence 2 Social Code II), the reduction of the citizen's benefit as a result of a sanction is limited to any remaining amount of the standard and additional needs, or it is not possible at all if the standard and additional needs are already fully covered by one's own income (see Bundestagsdrucksache 20/3873 (Bundestag document 20/3873), p. 92).
- A sanction may not be imposed if more than six months have passed since the time of the breach of duty or the failure to report (§ 31b Abs. 1 Satz 3 SGB II) (Sect. 31b par. 1 sentence 3 Social Code II).
- The sanction may not last a full three months if citizen's benefit beneficiaries subsequently cooperate in the fulfilment of their obligations, but before the sanctions expire, for example by taking part in an integration measure proposed by the Jobcenter. If subsequent fulfilment of the obligation is no longer possible, the duration of the sanction must nevertheless be terminated prematurely if beneficiaries subsequently declare their credible willingness to fulfil their obligations in future (§ 31a Abs. 1 Satz 6 SGB II) (Sect. 31a par. 1 sentence 6 Social Code II). The duration of the sanction is then at least one month.

## Good to know:

Before the Jobcenter may impose a sanction, you must be heard (§ 24 SGB X) (Sect. 24 Social Code X) so that you can explain the reasons for your behavior. You have the right to request a *personal* hearing (§ 31a Abs. 2 SGB II) (Sect. 31a par. 2 Social Code II). Young adults under the age of 25 and persons who repeatedly violate duties or miss appointments should be offered a personal hearing *ex officio*.

## 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 proof of income.
- 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 Nr. 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.

In principle you are obliged you to apply for priority social benefits such as housing allowance, child allowance, child supplement, advance maintenance payments, early retirement pension or reduced earning capacity pension if this can prevent, reduce or shorten your need for assistance. The Jobcenter can then request you to apply. 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).



## Good to know:

Due to the housing allowance reform effective 1 January 2023, and in order to relieve the housing allowance offices, you are temporarily not required to claim housing allowance. This applies for the duration of an approval period running on December 31, 2022 and an approval period starting in the period from January 1 to 30 June 2023 (including continued approvals) (§ 85 SGB II) (Sect. 85 Social Code II). However, you are free to apply for housing benefit voluntarily. Get advice beforehand on whether it is possible for you to switch to housing benefit and whether it is financially worthwhile for you.

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 of the priority social benefits agency, 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 (you can find out more about this in Chapter 3 in Section 3 “Who does not receive benefits according to Social Code II?”), you can, as a general rule, go on holiday for a total of three weeks in the calendar year (incl. Sundays and public holidays) upon permission of the Jobcenter. During this period, you will receive your full subsistence benefits and will continue to be covered by health insurance (until 30 June 2023: § 7 Abs. 4a SGB II (Sect. 7 par. 4a Social Code II); as of 1 July 2023: § 7b Abs. 3 SGB II (Sect. 7b par. 3 Social Code II)).

As a rule, you cannot apply for the “absence from your place of residence” until two to three 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 Federal Ministry of Labor and Social Affairs may issue a legal ordinance to regulate the requirements for absence from the place of work ([§ 13 Abs. 3 SGB II](#) - Section 13 (3) Social Code II) at the time this guide went to press. [Update: The [Erreichbarkeits-Verordnung \(ErrV\)](#) (Reachability Ordinance) entered into force on 8 August 2023].

## Chapter 15 | Supplementary child allowance – an alternative to citizen’s benefit?

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.

## Good to know:

Recipients of KiZ - like citizen's 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 250 euro per month (including immediate supplement for children). 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 according to Social Code II, you can receive citizen's benefit 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 250 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 14**  
**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 %

The assets of parents and children must also be taken into account. The asset regulations from Social Code II apply. Unlike in Social Code II, however, in the case of the child allowance, assets are only taken into account throughout if they are "substantial" (see Chapter 10 "How are assets taken into account?").

**Example:** Ms. G. is a single parent with two children (2 and 4 years old). Her gross pay is 1,650 euro per month (about 1,330 euro after deductions). The children receive child allowance (each 250 euro per month) and an Unterhaltsvorschuss (advance on maintenance - each 187 euro per month). In addition, the family receives citizen's benefit of 174 euro and the immediate supplement for children of 20 euro per child per month. The monthly rent (incl. heating and hot water) is 681.28 euro. There are no assets. In that case, to simplify matters, it is assumed

Can the family switch from citizen's benefit 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 84.15 euro each (45 percent of 187 euro). The remaining KiZ per child amounts to 165.85 euro per month (250 euro less 84.15 euro), the total KiZ is 331.70 euro, rounded up 332 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:

502.00 euro (standard allowance for single parents)  
 + 180.72 euro (additional allowances for single parents)  
 + 429.21 euro pro rata housing requirements (63 percent of 681.28 euro)  
 = 1,111.93 euro.

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

1,330.00 euro (remuneration after deductions)  
 – 378,00 euro (basic lump sum and allowance due to gainful employment according to the legal situation as of 1 July 2023)  
 = 952.00 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

502.00 euro (regular needs for single parents)  
 + 180.72 euro (additional allowances for single parents)  
 + 318.00 euro (regular needs of children under 6 years)  
 + 318.00 euro (regular needs of children under 6 years)  
 + 681.28 euro (rent incl. utilities)  
 = 2,000 euro.

b.) The monthly eligible income of the family is  
 952.00 euro (creditable part of the income after deductions)  
 + 500 euro child allowance  
 + 374 euro advance maintenance payment  
 + 332 euro total KiZ  
 + 364 euro expected housing allowance  
 = 2,522 euro.

**Result:** Ms. G. can opt for KiZ. The family will then have with KiZ and housing allowance 482 euro per month more at their disposal compared to the amount of citizen's benefit and the immediate supplement for children (696 euro from KiZ and housing allowance compared to 214 euro from citizen's benefit and the immediate supplement for children).

### KiZ as an alternative to citizen's benefit?

The Jobcenters often ask families to apply for KiZ and housing benefit. Both benefits have priority over citizen's benefit (note the explanations in Chapter 13 "What are your obligations to cooperate?"). 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 citizen's benefit 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 citizen's benefit and income support (see example).

If you do not apply for citizen's benefit 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 citizen's benefit. However, you are free to apply for citizen's benefit at a later date, even during the KiZ's approval period.

## Please note:

When you switch to KiZ, you are no longer covered by the Jobcenter's health insurance. If you have an income subject to compulsory insurance, for example an employee's income or unemployment benefit, you will continue to be covered by this health insurance. If you have no income and your spouse is a member of the statutory health insurance, you are usually covered by family insurance (§ 10 SGB V) (Sect. 10 Social code V). Please also note that if you switch to KiZ, some benefits linked to the receipt of citizen's benefit may no longer apply (see Chapter 18 "Benefits for people with little money").

To check entitlements for child supplement and housing allowance, you can contact the KiZ-Lotsen of the Family Benefits Office (Familienkasse) [www.arbeitsagentur.de/familie-und-kinder/kinderzuschlag-verstehen/kiz-lotse](http://www.arbeitsagentur.de/familie-und-kinder/kinderzuschlag-verstehen/kiz-lotse) and use the housing allowance calculator of the Berlin Senate Administration for Urban Development and Housing <https://ssl.stadtentwicklung.berlin.de/wohnen/wohngeld/diwoformular.shtml>.

## Chapter 16 | What benefits do foreigners receive who are excluded from citizen's benefit?

Foreigners in need of assistance who are excluded from benefits of the basic income support for jobseekers and the citizen's benefit (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 s(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 (social benefit). 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 citizen's benefit, 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** "*until they leave the country*" 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, S. 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 15th Senate of the LSG Berlin-Brandenburg (Ref.: [L 15 SO 181/18](#)) ruled on July 11, 2019, that Union citizens are entitled to bridging benefits “as long as the foreigners authority has not issued a final and still effective deportation order against them that is linked to a ban on entry and residence.”

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 632/20](#)) (Reg. Social Court of Niedersachsen-Bremen of 4.11.2021 - L 11 AS 632/20). 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 can notify the Jobcenter in writing that the statutory deadline has expired and 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 10,000 euro and married persons to assets totalling 20,000 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 citizen’s benefit 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 citizen’s benefit 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 502 euro) ([§ 62 Abs. 2 Satz 6 SGB V](#)) (Sect. 62 par.2 sentence 6 Social Code V). The co-payment limit in 2023 is 120.48 euro. For the chronically ill, a co-payment limit of one percent applies, i.e. 60.24 euro in 2023. 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 22nd 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 citizen's benefit 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 citizen's benefit, 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 citizen's benefit 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](http://www.rundfunkbeitrag.de). The information is available in many languages. A certificate for the service fee contribution is enclosed with your citizen's benefit notice.

## 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 citizen's benefit, 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: [www.berlin.de/sen/bildung/unterricht/medien/lehr-und-lernmittel](http://www.berlin.de/sen/bildung/unterricht/medien/lehr-und-lernmittel).

## 4. Subsidized ticket and more

If you receive citizen's benefit, you can get numerous discounts in Berlin. The proof of entitlement for the Berlin Ticket S (formerly Berlin Pass) is often a prerequisite for this.

### Proof of entitlement

The new proof of entitlement replaces the previous Berlin Pass. It is intended to facilitate participation in social life. In addition to entitlement to purchase the Subsidized Ticket (Sozialticket) (Berlin-Ticket S), it offers discounted access in Berlin to museums, theaters, concerts, cinemas, the zoo, the Zoological Garden, the Botanical Garden, libraries, courses at the adult education center or the music school, or other institutions. Until the end of 2023, holders of the proof of entitlement, as well as holders of the Berlin-Pass-BuT, have free access to the participating indoor swimming pools of the Berliner Bäderbetriebe from

Monday to Friday 10 a.m. to 3 p.m. and all day on Saturdays.

In addition to recipients of citizen's benefit, recipients of housing benefit, social assistance (SGB XII) and asylum seeker benefits also receive the proof of entitlement. Receiving child allowance alone, without housing benefit, is not sufficient. The new proof of entitlement is automatically sent to you by your benefits office in Berlin when your transfer benefit is approved.

### Berlin Ticket S (Social Ticket)

The proof of entitlement entitles the holder to purchase the Social Ticket (Berlin Ticket S). The Social Ticket is a reduced-price monthly ticket for public transport and allows the use of all public transport in Berlin (tariff zone AB). Since January 2023, the price for the Social Ticket has been only 9 euros per month instead of 27.50 euros.

**New:** In order to use the Social Ticket, you will also need the VBB customer card Berlin S (VBB-Kundenkarte Berlin S) starting this year. It must be shown together with the Berlin Ticket S during ticket inspections. The customer card can be applied for via an [Online-Antrags-Portal](#) (online application portal) of the Berliner Verkehrsbetriebe. From April 2023 at the latest, you should also be able to apply for the customer card in writing. You can then obtain the application from your service center or from Berlin's citizens' offices.

For the latest information, visit the [BVG](#) website or <https://www.berlin.de/sen/soziales/soziale-sicherung/bn-berlin-ticket-s/>.

### 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](http://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 for children up to the age of 17 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](http://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](http://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 citizen's benefit if the performances are not sold out. More information at: [www.berlin.de/sen/kultur/kulturpolitik/kulturelle-teilhabe/ermaessigungen](http://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/](http://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/](http://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](http://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](http://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. Find out about the current market dates at: [www.goldnetz-berlin.org/sozialmarkt.htm](http://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. Citizen’s benefit counselling

You will find a selection of independent counselling services regarding citizen’s benefit in the Berlin districts on our website [www.beratung-kann-helfen.de](http://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 citizen’s benefit counselling bus can be found at [www.beratung-kann-helfen.de](http://www.beratung-kann-helfen.de). From April to October, our counselling bus is parked directly in front of one of Berlin’s Jobcenters.

The counselling is free of charge, confidential and anonymous, if you wish. Please bring the necessary documents to your appointment.

**Counselling on benefits for education and participation (BuT)**

The independent BuT counselling center offers cross-district counselling on the benefits from the education package of basic allowance and support with the application process. The counselling is multilingual (besides German also English, Turkish and Arabic). Further information: <https://but-beratung.de>.

### 2. Advice on your rights as a tenant

All Berlin districts offer free initial counselling for tenants in their district. Information on counselling 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](http://www.asum-berlin.de/mieterberatung)

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 3.5a) - membership in a tenant association).

### 3. Debt counselling

#### Recognized counselling centres

This is where over-indebted persons can get professional and free advice.

[www.schuldnerberatung-berlin.de/fur-ratsuchende/beratungsstellen-berlin](http://www.schuldnerberatung-berlin.de/fur-ratsuchende/beratungsstellen-berlin)

#### Energy debt

The Berlin Consumer Advice Centre offers free advice on energy debt.

[www.verbraucherzentrale-berlin.de/energieschuldenberatung](http://www.verbraucherzentrale-berlin.de/energieschuldenberatung)

### 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/gesundheits/themen/schwangerschaft-und-kindergesundheit/schwangerschaft-und-familienplanung/allgemeine-schwangerenberatung](http://www.berlin.de/sen/gesundheits/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/gesundheits/themen/schwangerschaft-und-kindergesundheit/schwangerschaft-und-familienplanung/schwangerschaftskonfliktberatung](http://www.berlin.de/sen/gesundheits/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 citizen’s benefit.

Help for pregnant women: [www.stiftunghilfe.de/index.php?id=50](http://www.stiftunghilfe.de/index.php?id=50)

Help for families: [www.stiftunghilfe.de/index.php?id=67](http://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/dienstleistung/324485/>

#### 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](http://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](http://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/>



- Rent debt counselling at GEBEWO - Soziale Dienste - Berlin gGmbH:

[www.gebewo.de/mietschuldnerberatung](http://www.gebewo.de/mietschuldnerberatung)

### 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](http://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](http://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/einwanderung/\\_assets/beratung-liga-wohlfahrtsverbaende.pdf](http://www.berlin.de/einwanderung/_assets/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](http://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](http://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: Zinzendorfstr. 18/Ecke Levetzowstraße, 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](http://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](http://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 [www.frauen-berufsperspektive.de/beratungstelefon](http://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](http://www.teilhabeberatung.de/beratung/beratungsangebote-der-eutb).

## 9. Energy counselling

### Energy law counselling of the Verbraucherzentrale Berlin e. V.

Personal counselling is generally subject to a fee. For recipients of citizen’s benefit, BAföG or basic allowance as well as holders of a valid subsidised housing entitlement certificate (Wohnberechtigungsschein), the consultation is free of charge upon presentation of the certificate or equivalent proof: [www.verbraucherzentrale-berlin.de/energie/energierechtsberatung-15347](http://www.verbraucherzentrale-berlin.de/energie/energierechtsberatung-15347)

**Energy debt counselling** see under 3. “Debt counselling”

### Energy saving counselling at Stromspar-Check

The Electricity Savings Check project is intended in particular for people with low incomes. The partners in the Electricity Saving Check are the Deutsche Caritasverband e. V and the Bundesverband der Energie- und Klimaschutzagenturen Deutschlands (eaD) e.V. (Federal Association of Energy and Climate Protection Agencies in Germany): [www.stromspar-check.de/](http://www.stromspar-check.de/)

### EcoSave energy-saving counselling of the Turkish Association in Berlin-Brandenburg e.V.

The offer is aimed at people with their own or family history of migration and/or flight, among others in the languages German, Turkish, Kurdish (Kurmanji/Zaza) and Arabic: <https://tbb-berlin.de/projekte/ecosave>

## Annex

### I. Overview:

#### Guideline values and limit values for reasonable accommodation costs and reasonable heating requirements in Berlin as of 1 January 2023 according to AV-Wohnen

#### Reasonable and recognizable accommodation costs (reference values for gross rent (excl. heating and hot water))

### Please note:

The Jobcenter will pay the actual gross rent for the first 12 months in which you receive benefits after December 31, 2022. There will be no review of adequacy during this so-called waiting period. The waiting period and the assumption of the actual accommodation costs are excluded if the Jobcenter has already recognized only the reasonable accommodation costs as a need for your currently occupied accommodation at an earlier point in time. After the end of the waiting period, your gross rent (excl. heating and hot water) will be covered in full for an **existing tenancy** if it does not exceed the values of the expenses to be recognized (columns 4 and 5). In the case of a **new tenancy** (also during the waiting period), the Jobcenter will usually only pay your gross rent (excl. heating and hot water) up to the reference value or reference value in public housing (column 2), possibly plus a climate bonus and/or a hardship surcharge (column 3). In the case of (imminent) homelessness, a new rental supplement of up to 20% (possibly more), calculated on the simple reference value, is also possible. Not all surcharges are included in the tables.

Size of the community at need Number of people	Reasonable accommodation costs for new lease monthly in €		Accommodation costs to be recognized for existing lease monthly in €	
	(simple) reference value gross rent (excl. heating and hot water)	including hardship surcharge (+10%)	including relocation avoidance surcharge (+15%)	including relocation avoidance surcharge (+15%) and hardship surcharge (+10%)
1	2	3	4	5
1	426.00	468.60	489.90	532.50
2	515.45	567.00	592.77	644.31
3	634.40	697.84	729.56	793.00
4	713.70	785.07	820.76	892.13
5	857.82	943.60	986.49	1072.28
for each additional person	100.92	111.01	116.06	126.15

## Reasonable and recognizable accommodation costs

### Public housing (1<sup>st</sup> subsidy channel)

Size of the community at need Number of people	Reasonable accommodation costs for new lease monthly in €		Accommodation costs to be recognized for existing lease monthly in €	
	(simple) reference value gross rent (excl. heating and hot water)	including hardship surcharge (+10%)	including relocation avoidance surcharge (+15%)**	including relocation avoidance surcharge (+15%) and hardship surcharge (+10%)**
1	2	3	4	5
1	468.60	515.46	532.50	579.36
2	567.00	623.69	644.31	701.01
3	697.84	767.62	793.00	862.78
4	785.07	863.58	892.13	970.63
5	943.60	1,037.96	1,072.28	1,166.64
for each additional person	111.01	122.11	126.15	137.25

\*\* calculated on the simple reference value

## Reasonable and recognizable accommodation costs

### Appropriate heat consumption (limits for heating and hot water)

#### Please note:

The Jobcenter will only pay the actual costs for heating and hot water if your heat consumption does not exceed the limit that applies to you - unless you can prove or credibly demonstrate an increased individual heat requirement, for example due to illness or poor energy condition of the building.

In the case of decentralized water heating, for example by an electric boiler or instantaneous water heater in the apartment, a deduction is made. In return, decentralized water heating is recognized as an additional need in the amount of 0.8 to 2.3 percent of the respective standard need.

Even during the waiting period, the heating costs will only be paid in the actual amount if the heat consumption is reasonable, i.e. does not exceed the limits, with deductions if necessary.

Size of the community at need Number of people	Adequate heat consumption for heating oil, natural gas and district heating		Adequate heat consumption for heat pump	
	Limit value heat consumption including central water heating yearly in kWh	Anticipated payment for decentralized water heating yearly in kWh	Limit value heat consumption including central water heating yearly in kWh	Anticipated payment for decentralized water heating yearly in kWh
1	2	3	4	5
1	11,900	1,200	4,700	480
2	15,500	1,560	6,100	624
3	19,000	1,920	7,500	768
4	21,400	2,160	8,500	864
5	24,300	2,448	9,600	979
for each another person	2,900	288	1,100	115

For **heating with solid fuels** such as coal **or for night storage heating**, there are no representative consumption values that can be used for heating. The Jobcenters are urged by the Senate Administration responsible for social affairs to always check the appropriateness of heat consumption individually in these cases. The values on the website of the Senate Administration for Integration, Labor and Social Affairs serve as an initial orientation:

<https://www.berlin.de/sen/soziales/service/berliner-sozialrecht/kategorie/sonstige/brennstoffe-601787.php>

On our website [www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-buergergeld](http://www.beratung-kann-helfen.de/beratung/haeufige-fragen-zum-buergergeld) you can find out about the current status of the values that are considered "appropriate" for your housing needs in Berlin.

## 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](http://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](http://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](http://www.sozialgerichtsbarkeit.de) and decisions of the Federal Social Court starting 2010 at [www.rechtsprechung-im-internet.de](http://www.rechtsprechung-im-internet.de). If you know the file number of the decision, enter it in the search mask of the database [www.sozialgerichtsbarkeit.de](http://www.sozialgerichtsbarkeit.de). Current decisions of the Federal Social Court are provided on the website [www.bsg.bund.de](http://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).

### 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.berlin.de/sen/soziales/service/berliner-sozialrecht/sgb-ii/](http://www.berlin.de/sen/soziales/service/berliner-sozialrecht/sgb-ii/). (Click on the linked paragraphs after the subheading "Further regulations" to access the circulars). 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](http://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](http://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](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](http://www.arbeitsagentur.de/datei/Weisung-201806011_ba018017.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](http://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)

[www.migrationsrecht.net/kommentar-arb1-80-assoziationsratsbeschluss-ewg-tuerkei-arb-1/80.html](http://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, citizen’s benefit, 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 citizen’s benefit, are also available in other languages.

Download Centre of the Federal Employment Agency:

[www.arbeitsagentur.de/arbeitslos-arbeit-finden/downloads-arbeitslos-arbeit-finden](http://www.arbeitsagentur.de/arbeitslos-arbeit-finden/downloads-arbeitslos-arbeit-finden)

Forms A – Z: [www.arbeitsagentur.de/formulare-a-z](http://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](http://www.bamf.de/DE/Willkommen/DeutschLernen/Integrationskurse/integrationskurse-node.html)
- In English language:  
[www.bamf.de/EN/Themen/Integration/ZugewanderteTeilnehmende/Integrationskurse/integrationskurse-node.html](http://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](http://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](http://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](http://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:

[www.bmas.de/SharedDocs/Downloads/DE/Internationales/faq-brexit.pdf?\\_\\_blob=publicationFile&v=1](http://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:

[www.bmi.bund.de/SharedDocs/faqs/DE/themen/verfassung/brexit/faqs-brexit.html](http://www.bmi.bund.de/SharedDocs/faqs/DE/themen/verfassung/brexit/faqs-brexit.html)

### Criticism of the assessment of standard needs (SGB II/SGB XII)

Written statement by Diakonie Deutschland - Evangelisches Werk für Diakonie und Entwicklung e. V. – on the public hearing of experts in the Committee for Labor and Social Affairs (Bundestag) in Berlin on the draft of a Citizen’s benefit Act on November 7, 2022, Committee document 20(11)229 of Nov. 3, 2022: [www.bundestag.de/resource/blob/919176/9d83a8d514c593dcd69c127efc60218e/Stellungnahme-Diakonie-data.pdf](http://www.bundestag.de/resource/blob/919176/9d83a8d514c593dcd69c127efc60218e/Stellungnahme-Diakonie-data.pdf)

Critical studies and statements on the assessment of standard needs commissioned by Diakonie Deutschland e. V., written by Dr. Irene Becker and Dr. Benjamin Held, among others:

[www.diakonie.de/pressemitteilungen/hartz-iv-saetze-lebensnah-berechnen-diakonie-stellt-alternativ-modell-vor](http://www.diakonie.de/pressemitteilungen/hartz-iv-saetze-lebensnah-berechnen-diakonie-stellt-alternativ-modell-vor)

Paritätische Forschungsstelle, Regelbedarfe 2023: Fortschreibung der Paritätischen Regelbedarfsforderung – Short expertise:

[www.der-paritaetische.de/fileadmin/user\\_upload/Seiten/Presse/docs/Kurzexpertise\\_PariForschungsstelle\\_Regelbedarfsermittlung2023.pdf](http://www.der-paritaetische.de/fileadmin/user_upload/Seiten/Presse/docs/Kurzexpertise_PariForschungsstelle_Regelbedarfsermittlung2023.pdf)

Deutscher Paritätischer Wohlfahrtsverband - Gesamtverband e. V., Expertise – Standard needs 2021.

Alternative calculations for the determination of standard needs in basic benefits, September 19, 2020: [www.der-paritaetische.de/fileadmin/user\\_upload/Publikationen/doc/expertise-regelsatz\\_2020\\_web.pdf](http://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/expertise-regelsatz_2020_web.pdf)

### 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 citizen’s benefit 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 counselling centres on unemployment in Germany is helpful: [www.erwerbslos.de](http://www.erwerbslos.de)

#### energiehilfe.org

A platform initiated by the Tacheles e. V. association and the Paritätischer Wohlfahrtsverband for benefit recipients and low-income earners who are unable to shoulder the additional burdens resulting from increased heating and energy costs on their own. The website contains a lot of information on how people with little money can obtain financial support from state agencies, as well as a large number of addresses of advice centers: [www.energie-hilfe.org/de/infos-fuer-betroffene.html](http://www.energie-hilfe.org/de/infos-fuer-betroffene.html)

**This practical guide is available for free download at**  
[www.beratung-kann-helfen.de/buergergeld-ratgeber](http://www.beratung-kann-helfen.de/buergergeld-ratgeber).

You can download the practical guide in German  
and in English

**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: (030) 235 987 986  
[gs@berliner-arbeitslosenzentrum.de](mailto:gs@berliner-arbeitslosenzentrum.de)

[www.berliner-arbeitslosenzentrum.de](http://www.berliner-arbeitslosenzentrum.de)  
[www.beratung-kann-helfen.de](http://www.beratung-kann-helfen.de)

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