

SGBI II

BASIC SOCIAL SECURITY
FOR JOBSEEKERS

Arbeitslosengeld II
(Social Security)



**Bundesagentur
für Arbeit**

Foreword

This leaflet is intended as general information; it can, however in no way exhaustively deal with all the regulations. You will find here the most important features and requirements for entitlement to Arbeitslosengeld II (Basic Social Security) and Sozialgeld (Social Assistance). It also contains information concerning additional benefits in special cases, your social insurance and – no entitlement without obligations – what you have to pay attention to and observe when applying for benefits.

Basic Social Security for jobseekers is paid by the Bundesagentur für Arbeit (the local employment offices) and the autonomous urban boroughs and districts (municipal bodies).

The municipal bodies are responsible for:

- the accommodation and heating benefits,
- the childcare services,
- the advisory service for debtors and addiction counselling,
- the psychosocial counselling,
- meeting special, one-off costs (e.g. the initial provisions for clothes and accommodation) and
- the training and participation allowances.

The Agentur für Arbeit is responsible for all other basic social security services/benefits for jobseekers. These are in particular:

- Services: all services related to the labour market with the aim of integrating the jobseeker into the labour market. These include information, advisory services, job placement, the promotion of measures for further vocational training and offering work opportunities. You will receive extensive support from a contact partner personally assigned to you.
- Benefits: the benefits to ensure the livelihood of all persons living in a Bedarfsgemeinschaft (need community): Arbeitslosengeld II for employable persons entitled to benefits or Sozialgeld for persons not capable of employment, as well as additional benefits in case of specific additional need.

— Social insurance: The payment of health and long-term nursing insurance, accident insurance as well as the notification of the periods of receipt of Arbeitslosengeld II to the Rentenversicherung (State Pension Scheme) in specific cases.

— Non-cash benefits: for example vouchers in the event of reduction or discontinuation of benefits.

In most parts of Germany, the Employment Offices and the municipal bodies have joined together under a single roof, with the result that you only need to go to one office. Only in occasional cases and – even then – only up to 31st December 2011, will the Employment offices and the municipal bodies be located in separate buildings.

In the future there will be up to 110 municipal bodies responsible for performing all the tasks on their own, including those of the Agentur für Arbeit. In addition to their own tasks, these so-called municipal bodies will also be responsible for paying Arbeitslosengeld II as well as for the integration of the benefits recipient into working life. Both the common institutions and the registered municipal bodies have from 1st January 2011 borne the name Jobcenter.*

Please find out which is the relevant Jobcenter for the area in which you live.

Information:

— The possibilities for support according to the Social Security Statute Book III (SGB III) are basically available for you, even if you have no entitlement according to SGB II. You are still entitled to the advice and placement services of the Employment Offices, if your application for benefits in accordance with SGB II is rejected.

* For the sake of clarity, only the name Jobcenter will be used in this leaflet, even though there will still be individual cases of the tasks being performed separately (but only up to 31st December 2011 – see above). The contents of this leaflet apply correspondingly to the Employment Offices in their separate execution of tasks.

The most important thing first:

— Benefits for Basic Social Security must be applied for. Submit your application as soon as possible at the Jobcenter responsible for the area you live in.

— In principle, no benefits shall be paid for any days before the date of your application. However the application for benefits to ensure your livelihood will be backdated to the first of the month, in which the application is made. This means that providing all other requirements are fulfilled, you can receive Arbeitslosengeld II from the first of the month, despite making the application on the 15th (for example). In this respect please note that your income/assets will also be taken into account from that time (first of the month), and that a separate application must be made for certain benefits (e.g. initial provisions for pregnancy and birth or new benefits for training and participation – this does not, however, include personal school requirements).

— The application may be made (without using an official form) in writing, by telephone or in person. The necessary completed application documents (as timely as possible) can be handed in later.

— If you submit an application for a common household (Bedarfsgemeinschaft), then the application also applies to the other persons living with you. Please note, however, that each person in your household, who has completed their 25th year of life, has to make their own application, providing it is not your partner. This means that your children or your partner's children have to make their own application, as soon as they have completed their 25th year of life

— Payment will normally be made by bank transfer. You will therefore need a bank account.

— Income and assets over and above the exemption allowance will count towards the benefits.

— As a recipient of Arbeitslosengeld II, you are either insured (health, long-term nursing, accident insurance) or receive – providing the relevant requirements are fulfilled), an allowance towards your own protection insurance.

— If you wish to start up in self-employment, but do not have sufficient funds for this, then you can receive Einstiegsgeld (integration allowance).

- If you have earned income, certain parts of it will not count towards Arbeitslosengeld II; i.e. these parts will not reduce the amount of benefit to be paid.
- You are allowed to work (and receive earned income) up to 15 hours a week without losing your entitlement to Arbeitslosengeld II.

- Subject to certain conditions you may receive children's benefits for children who have not yet completed their 25th year of age; this, however has to be applied for at the relevant Familienkasse (Family Benefits Office).

- If you wish to receive benefits, then you are obliged to make use of all the existing possibilities for the purpose of reducing or ending your need for assistance; this includes taking an active part in all the measures offered to you.

- You are obliged on request to personally appear at the Jobcenter or to undertake any medical or psychological examinations stipulated.

- In addition, you must on every working day be available for your contact partner at the address you have provided and also be able to appear at the Jobcenter on a daily basis.

- As a recipient of benefits, you are obliged to accept any work, for which you are capable of from a mental, psychological and physical perspective.

- In the event of you breaching your obligations without an acceptable and important reason, your benefits may be reduced (more than one time) and even be discontinued.
- You are obliged to immediately notify the Jobcenter of Any changes in your personal situation (earning income, a member of your Bedarfsgemeinschaft moving out, change of address, drawing a pension etc.).

- Basic Social Security benefits are exempt from tax.

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1.1 Contexts simply explained

Benefits in accordance with the Social Security Statute Book ((SGB II) have been in force since 1st January 2005. Alongside services and non-cash benefits, they particularly include Arbeitslosengeld II and Sozialgeld. All employable, entitled persons can receive Arbeitslosengeld II; persons who are unable to work can receive Sozialgeld. Arbeitslosengeld II or Sozialgeld are benefits intended to ensure a basic livelihood.

As the expression “Basic Social Security” implies, it is intended to ensure a minimum need safeguard necessary for living. The safeguard is envisaged for all those who have too little or no means of their own.

How much an individual is entitled to be defined in the legislation under the so-called ‘standard need’. If a person has no income at all or less income than these standard amounts, then they are in principle entitled to social security benefits. Unemployment is not a requirement. You may also be entitled to benefits if you don’t earn enough, irrespective if whether you work as an employee or in self-employment.

Of course, it wouldn’t be right for a person to receive benefits if they have assets. For this reason, nobody who possesses utilisable assets, whose value is higher than a set exempted amount, is entitled to Arbeitslosengeld II. However, not all assets are taken into account. In the same manner, only the income exceeding certain exempted amounts are considered. For details on this please refer to Sections 6 - 8.

Arbeitslosengeld II and Sozialgeld are financed from tax revenues – not from unemployment insurance. Both of them depend on whether you have engaged in work with compulsory insurance contributions. The amount of benefits is therefore not dependent on a previous income from work, but rather what your minimum requirements for living are that you can’t provide yourself. Therefore if you are in need, you can claim benefits, even though you haven’t previously paid any social insurance contributions.

1.2 What do you understand by a Bedarfsgemeinschaft?

When calculating the benefits, each individual employable person or a so-called Bedarfsgemeinschaft (need community) is taken into account. If there more than one person living together in the same joint household, then it is possible to deal with them all together. Who actually belongs to a Bedarfsgemeinschaft is specified in SGB II. All persons belonging to it are included together with their personal incomes and assets in one common calculation. This means: the income of one person is also to be included in the calculation for other members of the Bedarfsgemeinschaft. A kind of 'balancing out' takes place.

This balancing out may result in a lower amount of benefits overall. On the other hand, it may lead to higher benefits, if the persons in the household taken together have not enough for living. In addition, persons in the household who are unable to work may also receive benefits, provided they are part of the Bedarfsgemeinschaft, i.e. Sozialgeld (social benefits) – not Sozialhilfe (social assistance). Sozialhilfe in accordance with the Social Security Statute Book twelve (SGB XII) is subordinate to SGB II in this respect.

A Bedarfsgemeinschaft includes the following persons:

- The employable beneficiary,
- As the partner of the beneficiary:
 - the not permanently separated spouse,
 - the not permanently separated partner,
 - a person, living together with the beneficiary in a joint household in such a manner that in a reasonable assessment the mutual will is assumed to take responsibility for each other and support each other (partner in a responsible and committed union),
- The unmarried children of the beneficiary or the partner who have not yet completed their 25th year of age.
- The father and/or mother and (if appropriate) the partner of an employable unmarried child who has not yet completed their 25 year of age, providing that this person is not able to work.

If the parents are unable to work, then they still make up a Bedarfsgemeinschaft together with their children (not yet 25 years old), providing that at least one of the children is able to work – i.e. at least 15 years old.

A mutual will to take responsibility for each other and support each other is presumed, for example, if the partners have been living together longer than one year, or are living together with their own child, or are authorised to use each other's income or assets. If these criteria are satisfied, a responsible and committed union is assumed. If, however, these criteria are not met, the affected parties may prove the opposite.

Arguments against such a union – even if the persons concerned are living in the same flat – would be: maintaining two separate households, separate shopping and cooking, separate washing of clothes, a lack of jointly acquired furniture or household items, and that each person pursues his life more or less independently of the other (example: flat-sharing community).

A Bedarfsgemeinschaft is not only possible between a man and a woman, but also between partners of the same sex, even if their partnership has not been registered.

It is often difficult to judge if a Bedarfsgemeinschaft actually exists (with the consequences of a joint calculation of benefits). Only your Jobcenter can reliably determine this for you.

For example:

- an unmarried child not yet 25 years old, who has a child of its own, or
- a child alone, who has completed its 25th year of age

makes up a Bedarfsgemeinschaft on its own, even though it is still living in a household with others.

1.3 Submitting a benefits claim

Basic Social Security benefits must be applied for. This may be done in writing, by telephone or in person – also on behalf of the other members of the Bedarfsgemeinschaft

You must in any case, however, later hand in the required application documentation – completed and as timely as possible.

Submit the claim at the relevant Jobcenter for the area you mainly live in.

Submit your claim as soon as possible. Please note that your claim will be backdated to the first of the month, in which you made your application. You will not receive benefits before that date.

To avoid any interruptions in your benefit payments, please also note that you should submit your claim for the benefits to be continued to the relevant Jobcenter in good time before the current period of granted benefits expires.

The claim for benefits to ensure your livelihood is automatically backdated to the first of the month, in which you made your claim. This means: if (for example) you first made your claim on the 20th of a given month, then you can already receive benefits from the first of that month. Any income and assets will also be taken into account from that date.

A separate claim is necessary for certain benefits (e.g. initial furnishing of a flat or new education and participation benefits – not, however, for the “starting school package”); please ask the Jobcenter in each concrete case.

When making your claim, remember that it applies to all the persons living with you in the Bedarfsgemeinschaft (refer to Section 1.2).

Please note: You have to make your own claim if you live together with others in a common household, but you don't belong to their Bedarfsgemeinschaft.

Example: your children or your partner's children have to make their own claim if they have already completed their 25th year of age! Even a child aged under 25, who has its own child, or lives together with a partner, has to make their own claim!

Childrens' allowance

The children's' allowance is a family benefit intended to avoid poverty for children until they reach the age of 25. The monthly allowance is 140 Euros per child. In addition, the beneficiary of the children's' allowance can also receive allowances for their children's education and participation.

2.1. Requirements for children's' allowance

Single parents and parents living together are entitled to the children's' allowance for their unmarried children under 25 living together with them, providing that:

- they are beneficiaries of Kindergeld (child benefits),
- the monthly incomes of the parents attains the minimum income limit,
- the assets to be considered do not exceed the highest income limit and
- the family's need is covered by the children's' allowance and any possible entitlement to Wohngeld (housing benefit) and there is therefore no entitlement to Arbeitslosengeld II/Sozialgeld.

For parents living together a minimum income limit of 900 Euros applies, and for single parents 600 Euros.

The maximum income limit is made up of the need of the parents (according to the regulations on Arbeitslosengeld II) and the percentage share of the appropriate accommodation costs (assessment ceiling) as well as the total children's' allowance.

The children's' allowance will in principle be granted for six monthly periods.

If a child possesses its own income and assets (whereby Kindergeld or a proportion of Wohngeld is not taken into account), then the children's' allowance will be correspondingly reduced. Provided that the children's' allowance is applicable for several children, the individually reduced amounts will be summed up to a total children's' allowance.

The income and assets of the parents that exceed the ceiling limit will be set off against the remaining (total) children's' allowance. Income from employment above the ceiling limit will reduce the children's' allowance by 5 Euros for each full 10 Euros; other income or assets will be deducted from the children's' allowance by the full amount. If efforts are not made to achieve a



child's income (e.g. maintenance), then there is no entitlement to the children's' allowance for this child.

The children's' allowance calculated has – together with the family's other income and assets plus any possible entitlement to Wohngeld – to be sufficient to ensure the needs of the whole family, so that there is no entitlement to Arbeitslosengeld II / Sozialgeld.

For persons, who claim additional need on account of pregnancy, raising a child alone, disability, expensive nutrition, decentral warm water, or irrefutable, ongoing special additional need, these can be ignored when ascertaining whether a need for assistance will be avoided. In this manner, special consideration is given to the applicant when checking the entitlement to children's' allowance, thus facilitating access to the children's' allowance. If the need for assistance is only avoidable by ignoring the entitlements to additional need, and the entitlement to children's' allowance is asserted, then the applicant must forgo their claim to SGB II / SGB XII benefits.

2.2. Additional training and participation allowances

In addition to the children's' allowance, families may also claim training and participation allowances. The training and participation package consists of the following allowances: trips organised by the school or day care centre lasting one or more days, personal school requirements, school transport costs, learning support, lunch subsidy at school or day care centre, as well as allowances for taking part in community social and cultural life.

2.3. Submitting the claim

The children's' allowance must be applied for separately. The allowance will not apply for any periods before the date of making the claim. Detailed information is available at your relevant Familienkasse and on the internet at www.familienkasse.de.

There you will receive the "children's' allowance" leaflet containing detailed information on this subject.

If you have made a claim for the children's' allowance, but are not entitled to it, it is possible to make a backdated claim for Arbeitslosengeld II. You must make this claim immediately following the month, in which your claim for children's' allowance was rejected. Best of all – immediately!

The claim for training and participation allowances can be made at your relevant municipal office upon presentation of notification of the approval of children's' allowance.

Labour market integration as priority goal

State financial support to ensure your livelihood may only be provided, if your need for assistance cannot be met by other means.

The benefits are envisaged to promote reintegration of all those able to work into the working community, so that in the future they can maintain their own livelihood and that of their relatives based on their own means and their own resources – as far as possible without recourse to Basic Social Security.

For this reason Basic Social Security benefits are particularly aimed at:

- avoiding or solving your need for assistance through gainful employment, reducing the period and/or the extent of need for assistance,
- maintaining, improving or restoring your ability to work,
- counteracting disadvantages based on your sex,
- taking account of your family living conditions; particularly then you are bringing up children or relatives in need of care,
- overcoming disadvantages based on a disability, and
- creating and maintaining incentives enabling you to take up and maintain employment.

3.1 Support and demand

In order to get you into employment as quickly as possible, you can be provided with benefits intended for your vocational or social integration. An analysis of your situation will be conducted in a comprehensive discussion with you. The knowledge thereby gained will serve as a basis for an integration agreement, which will determine a personal goal and the manner of achieving it. You will be accompanied and supported on this path by your personal contact partner. In particularly difficult cases the support will be provided by a specially trained case manager, who will know where you can receive proper advice, and what you will have to undergo in order to overcome problems and achieve a new opportunity for employment.

Both you and all the members of your Bedarfs-gemeinschaft must use all the possibilities at your disposal to reduce or end your need for assistance. Primarily you must actively engage in looking for employment yourself as well as actively co-operating in all the measures offered to you, which support this goal.

You must take advantage of any measures for activation and vocational integration and training as well as offers for gering-fügige Beschäftigung (marginal employment) or Arbeitsgelegenheiten (opportunity jobs) Other types of measures, such as advisory services for debtors, addiction services or psychosocial counselling are also available to assist you with your social integration.

Please note: If you do not conclude an integration agreement, any necessary measures may be determined by means of an administrative decision. If you do not cooperate in respect of the agreed activities, then this may result in wide-ranging consequences, e.g., your benefits being reduced or even discontinued (refer to Section 14).

If you are under 25 years old as well as able to work and you need help, then an intensive range of advisory services and special measures are at your disposal. The intention is to provide young people with a rapid integration into the working world. A refusal to accept the jointly developed offers will result in direct consequences as far as your benefits are concerned.

3.2 One-stop assistance

As far as possible, the benefits will be provided on a “one-stop” basis. This means that both the measures and services envisaged to reintegrate you into working life and this means that both the reintegration into the labour market and the financial benefits will be undertaken by one responsible body only – the Jobcenter, although the employment offices or the municipal bodies, respectively, would be responsible for these two different functions. This amalgamation is ensured by the creation of common facilities.

3.3 Help in finding work

In order to get you back into employment, there are special integration services envisaged, if necessary, to avoid or end your need for assistance, or to reduce the period or extent of need. Your personal contact partner will judge whether such services are required in your case.

When deciding whether (and which) services are appropriate in your case to reintegrate you into working life, your personal suitability (in particular), but also your individual life situation, your family situation as well as the estimated duration of your need for assistance also included in the consideration will be whether integration into working life is likely to ensure on a permanent basis. As a priority, such measures will be implemented designed to enable employment as soon as possible.

If you are able to work, and are entitled to benefits, and are not yet 25 years of age, then soon after you have submitted your claim, you will be offered work or a training place or an opportunity job. If you have not learnt a trade and cannot be offered a training place, then help will be provided to you in the form of an opportunity job giving you the chance to improve your vocational knowledge and skills.

Young people can be helped with preparatory vocational training measures in advance of an apprenticeship. As part of these preparatory vocational training measures, young people are legally entitled to preparation for subsequently acquiring a school leaving certificate – providing that it is not already clear that they will probably not be able to achieve this certificate due to their individual potentials. Adults have a legal entitlement in terms of further vocational training, if successful participation in training measures may be expected and the corresponding funding requirements are fulfilled.

In the event that you have not been a beneficiary of benefits to ensure your livelihood in accordance with SGB III or SGB II in the last two years, then immediately after submitting your claim you will receive an offer designed to support your integration into working life.

3.4 What kinds of services are there?

As support for your efforts to find employment subject to compulsory social insurance contributions, you may receive an allowance to cover your appropriate costs. To find out details of this, please talk to your personal contact partner / case manager.

Together with financial assistance to ensure your livelihood, the following services (in particular) are provided:

- Placement and counselling, expanded vocational orientation,
- employment-oriented case management, if you
- require special support and counselling to overcome your problems (e.g. addiction and debt counselling, psychosocial counselling, caring for children or home care of relatives), social pedagogical support and organisational support with vocational training and pre-vocational training,
- preparation for the subsequent acquiring of a school leaving certificate,
- funding from the placement budget designed to facilitate taking up employment subject to compulsory social insurance contributions,
- measures for activation and vocational integration, supporting
- self-employment,
- supporting vocational training or pre-training,
- supporting further vocational training,
- supporting employees in work, supporting participation of disabled persons in working life,
- integration and employment subsidies for employers of long-term unemployed beneficiaries able to work but with placement obstacles, integration subsidies and - vouchers for older
- workers,

- initial training,
- opportunity job with compensation for additional costs or opportunity job with wage variant, subsidies for jobseekers taking up low-paid employment subject to compulsory social insurance,
- start-up subsidy for taking up employment or if you become self-employ,
- placement vouchers.

In addition, other services can be provided as part of the so-called voluntary support, if considered necessary for your integration into working life.

The services mentioned above are usually services that the Job-center can provide you with at its reasonable discretion: you have no legal entitlement to them (only in a few cases is there an entitlement). In all cases, take advantage of a personal visit to discuss the relevant funding services with your personal contact partner / case manager.

3.5 Agreeing to the integration services

You and your personal contact partner make an agreement defining the scope of your efforts to find work (i.e., how, when and how often you must be active yourself), which services / measures would apply to you, and which services you must apply to a third-party to. You therefore take an active part in this so-called integration agreement. This agreement should be concluded for a period of 6 months. Following this period, a new agreement is required. Adjusting the agreement for desired or necessary changes is possible at any time.

3.6 What is reasonable work?

As a beneficiary of Basic Social Security for jobseekers, you are obliged to accept any kind of work, for which you are mentally, psychologically and physically able. The following exceptions apply:

- if the new work would endanger the bringing up of your child (or that of your partner), if the child is under 3 years old. If the child is older, the bringing up of your child is not considered to be endangered, if it can be ensured that the child attends a day-care nursery,
- if your previous work was mainly of a physical nature and the new work would make it much more difficult to resume your previous employment at a later date,
- if caring for a relative is not compatible with employment, and there is no other way of ensuring this care,
- if another pertinent reason can be proven.

Not a pertinent reason to refuse work is:

- if the work does not correspond to your previous employment activity or training,
- if it should be considered inferior to your education/training,
- if the place of work is further away than you were used to,
- if the conditions at the place of work are less favourable than you were used to,
- if the taking up of this work would mean having to end another employment (exception: in the future the need for assistance can be ended by the activity).

If the wages offered are lower than the tariff applicable or the usual wages at the place of work, then the work is only considered unreasonable if the wages offered violate the law or are morally unacceptable – because they are too low,

In principle, your own personal interests have to be subordinated to the general interest, providing that none of the exceptions mentioned above apply.

These principles also apply accordingly to participation in measures designed for integration into working life.

Even if in your case an exception related to the reasonableness of the work offered applies, it may be helpful if you can be active (as far as you are possible) in eliminating the exceptional situation, and – for example – make efforts to obtain a place in a nursery for your child, if it is under 3-years-old.

Please note Section 14 in this leaflet (Sanctions).

3.7 Looking for work abroad

If you are a beneficiary of Arbeitslosengeld II in addition to Arbeitslosengeld I (from the Agentur für Arbeit) and intend to look for work abroad in another EU member state, a member of the European Economic Area (EEA) or Switzerland, then in principle you can continue to receive Arbeitslosengeld I (from the Agentur für Arbeit) for a specific period abroad. Please contact the Agentur für Arbeit before your departure to obtain information concerning the requirements and the procedure involved.

Detailed information is contained in the leaflet "Arbeitslosengeld I and working abroad", which is available at your relevant employment office or on the internet at www.arbeitsagentur.de.

The continuation of Arbeitslosengeld II benefits during your time abroad is not possible.

4.1 Who is entitled to Arbeitslosengeld II?

All persons between 15 and either 65 or 67 years of age (according to the statutory age limit), who are eligible for benefits, if their usual place of residence is in Germany.

Citizens of a foreign country may be entitled to benefits, providing that you are allowed to take up employment in Germany, or if permission to do such would be possible. However, you have no entitlement to benefits in accordance with SGB II for the first three months of your stay in Germany.

The above exception does not apply to those foreigners, who are entitled to freedom of movement in the Federal Republic of Germany as an employee of self-employed person. The same applies in cases of involuntary unemployment or giving up self-employment after a minimum of one year' work with no blame on your part. In the case of unemployment not caused by yourself, your status will only remain unaffected for a period of six months.

As a non-German citizen, you will also not receive any benefits if your stay is for the purpose of looking for work (this exception also applies to family members) or if you are eligible for benefits in accordance with §1 of the Asylum Seekers' Benefits Act (AsylbLG).

Right to stay – “Backlog regulation”:

Foreigners in possession of a residence permit in accordance with §§ 104 a, 104 b or 23 Section 1 Residence Act (AufenthG) are eligible for benefits according to SGB II.

Those persons, who are living with a (able to work) beneficiary in a Bedarfsgemeinschaft, i.e., living together in the same household and economically managing this household (refer to Section 1.2), are also entitled to benefits.

Persons who are receiving a pension (on account of their age), or a miner's compensation allowance, or are in a permanent facility (usually including a prison for the purpose of serving a prison sentence) are not eligible for benefits.

(Those persons undergoing in-patient treatment on hospital for an estimated period of less than 6 months, are eligible for benefits – in contrast to the above). In principle, trainees, participants in a pre-vocational training measure and students are not eligible for benefits.

4.1.1 Who is able to work?

You are considered able to work if you are able to work for a minimum of 3 hours daily under the normal conditions prevailing in the labour market, and you will not be rendered unable to do so by reason of illness or otherwise in the foreseeable future. You will also be considered able to work, if employment is temporarily deemed unreasonable for you, for example, if you are bringing up a child under 3 years of age or a relative.

4.1.2 Who is in need of help?

You are considered in need of help, if you are unable to (sufficiently) ensure your livelihood and that of the persons living with you in a Bedarfsgemeinschaft from your income or assets, and you do not receive the necessary assistance from other sources, in particular from relatives or other bodies responsible for providing social benefits.

Whether your income and assets and that of the members of your Bedarfsgemeinschaft are to be taken into account in such a manner that your need for assistance is completely, partially or temporarily avoided, you can check in Sections 6, 7 and 8.

4.2 What kinds of benefits exist?

Eligible applicants who are able to work will receive Arbeitslosengeld II.

The benefits comprise:

- the standard need,
- additional needs and
- the need for accommodation and heating.

There also exists – providing the relevant requirements are satisfied – an entitlement to training and participation benefits (please refer to Section 9).

Any income and assets of the eligible person will reduce the benefits entitlement, providing they exceed specific exemption limits.

4.3 Amount of Regelbedarf (standard need) to ensure your livelihood

The starting point: your livelihood – possibly including that of your relatives – is not secured In accordance with SGB II, you and your relatives are considered in need of assistance, if you cannot raise the basic amounts shown in the table below by your own means; you can then receive the difference in the form of Arbeitslosengeld II/Sozialgeld. The standard need is a flat-rate amount envisaged to cover your ongoing and one-off needs. In particular, this includes nutrition, clothing, personal hygiene, household goods and household energy (excluding heating and warm water). The daily personal needs include participation in the social and cultural life of the community (within reasonable limits). In addition, benefits are available for additional needs and (as appropriate) special needs (refer to Section 4.4).

<ul style="list-style-type: none"> • single person • single parent • adult with underage partner 	<ul style="list-style-type: none"> • adult partner 	<ul style="list-style-type: none"> • adult under 25-years-old • persons under 25 years of age, who move residence without consent of the municipal body (18-24 years) 	<ul style="list-style-type: none"> • children or youngsters from 14 years of age up to completion of 18th year of age • underage partner (14 - 17 years) 	<ul style="list-style-type: none"> • children from beginning of 7th year of age up to completion of 14th year of age (6-13 years) 	<ul style="list-style-type: none"> • children up to completion of 6th year of age (0 – 5 years)
364 Euros	328 Euros	291 Euros	287 Euros*	251 Euros*	215 Euros*

* According to the new calculation of the standard need, lower amounts would be arrived at. The above amounts, however, will continue to be paid (protection of legitimate expectation).

Standard need adjustment

The standard need is adjusted on the 1st January every year by means of a weighted mixture of price and wages indicators. On 1st January 2012, the standard need will be further increased by 3 Euros – this is on account of a one-off inflationary adjustment to cushion the change in the adjustment period and is irrespective of the standard need amount adjustment to be carried out anyway.

4.4 Additional needs

It is possible for a so-called Mehrbedarf (additional need) to be additionally granted for special needs not covered by the standard need amount.

This extra benefit (possibly as fixed flat-rate amounts) is available for the following categories of persons:

- Expectant mothers from the 13th week of pregnancy: 17 percent,
- Single parents of underage children: 36 percent for 1 child under 7 years of age, or 2 to 3 children under 16 years of age, or 12 percent for each child, but in any case restricted to a maximum of 60 percent overall,
- Disabled persons in receipt of specific benefits in accordance with SGB IX or SGB XII: 35 percent,
- Beneficiaries, who for medical reasons require costly nutrition (if there is a demonstrated need): costs will be borne up to an appropriate amount.

The total sum of the extra benefits for the personal additional need may not exceed the standard need amount for those persons able to work. Under certain circumstances, other special needs emerging as a result of special living conditions and lasting for a long period and are not avoidable will also be borne by the Jobcenter. Beneficiaries, who have warm water from facilities installed in their accommodation (decentral warm water supply) will receive an additional need amount (backdated to 1st January 2011) according to a certain percentage of the standard need amount.

4.5 Accommodation and heating allowance

4.5.1 Appropriate costs

Accommodation and heating costs will – insofar as they are appropriate – generally be accepted by the Jobcenter to the amount of the actual costs incurred, and paid out to you. It is incumbent upon you to use this benefit for the purpose it is provided for. If it cannot be established that you are doing so, then the Jobcenter can make direct payments to the landlord or other authorised party. It is also possible for these direct payments to the landlord to be made at your request.

If you live in your own home or flat, the accommodation costs also include any associated financial burdens (e.g. appropriate interest on mortgages, property tax, homeowners' insurance, ground rent, additional costs as with rented accommodation). Imperative expenses for maintenance and repair may also be recognised as need under certain circumstances. Repayment instalments are not included as a recognisable need, as they are ultimately intended to improve the value of your assets, and this is not compatible with the intended purpose of welfare benefits.

If your accommodation and heating costs are higher than appropriate, you are obliged to reduce these costs. It may then ensue that you will be requested to move to more favourable accommodation. This step, however, will only be considered if the accommodation is too large for you and the costs are inappropriately high. The decision on this will be made by your Jobcenter.

If a change in accommodation should become necessary in your case, then the higher than appropriate costs that you are currently incurring will be accepted, until such time that you change your accommodation or can reasonably be expected to do so – generally however, for a maximum period of 6 months.

In addition, it is possible for the Jobcenter for the area you are now living in to bear the costs incurred in obtaining your new accommodation plus the removal costs, and for your future Jobcenter to bear the rental deposit (generally in the form of a loan) for you.

Please note: before you sign a contract for your new accommodation, you must first obtain a declaration of consent from the local Jobcenter for the future accommodation costs.

If your accommodation costs increase following a change in accommodation, which has not been deemed necessary by the Jobcenter, then only the costs incurred before the increase will continue to be paid.

If you are receiving benefits for accommodation and heating and get into arrears with either your rent or heating costs, it may be possible for you to receive a loan to pay off these arrears, thus securing your accommodation. In this case, however, you are obliged to first make use of any assets you may have – even within the exemption limit, cf. Section 8.2. –for the purpose of repaying this loan.

Besides the benefits mentioned above, there is no entitlement to *Wohngeld* (*housing subsidy*).

If, however, you are able to end or avoid your need for assistance or – if you are living in a *Bedarfsgemeinschaft* – the need for assistance of the whole *Bedarfsgemeinschaft*, then you are obliged to submit a claim for *Wohngeld*.

Trainees, who are in receipt of a vocational training support grant or training allowance in accordance with SGB III, or of benefits in accordance with the Federal Trainings Assistance Act, or alternatively, do not receive such benefits only because income/assets have been taken into account, may receive a subsidy for the appropriate accommodation costs that have not been covered.

4.5.2 Special situation when moving out of your parents' household

If you are unmarried, less than 25-years-old and want to move out of the household where you are currently living with your parents (or one of your parents), then you may only receive rent and heating costs for the new accommodation if you obtain the consent from your current Jobcenter beforehand. If your new accommodation falls in the area of responsibility of a different Jobcenter, then you require their consent as well.

You will receive consent if:

- There exist serious social reasons that militate against remaining in your parents' accommodation, and these reasons are demonstrated,
- moving into new accommodation is necessary for the purpose of integration into working life,
- A similar serious reason is demonstrated.

Please note: You must obtain this consent before signing the contract for the new accommodation; the only exception to this is if a pertinent reasons exists, which made it unreasonable for you to do so.

In the event of you moving without the required consent of your Jobcenter, then you will receive a lower amount of standard need (cf. table under Section 4.3), as well as becoming ineligible for accommodation or heating benefits. Moreover you will also not qualify for the initial furnishing costs of the accommodation – cf. Section 4.6.3.

4.6 Differing benefits in emergencies

4.6.1 Loan in case of special need

In exceptional circumstances, a need may arise to endanger your livelihood that you are unable to prevent happening. In such an emergency, it is possible to provide you with either a cash benefit (in the form of a loan) or a non-cash benefit (acquisition value).

Such an absolutely necessary need may, for example, result from loss, damage or theft, or urgently required maintenance work.

The loan will be repaid by a monthly deduction of 10 percent of the amount of standard need you receive – you will therefore receive less standard need benefit than before (offset).

4.6.2 Non-cash benefits as standard need

It may happen that you will receive your standard need either partially or completely as a non-cash benefit (in the form of vouchers), in the event of your using up the standard need amount too quickly on a repeated basis, because you have

not adjusted your style of life to the amount of your monthly benefits, and you therefore apply for an additional loan to give yourself time to bridge the gap. A good example of such “un-economic behaviour” is when you have already used up your monthly benefits shortly after receiving them.

4.6.3 One-off benefits

The monthly standard need is envisaged to cover your ongoing livelihood (i.e. for the following month).

Besides this, on-off benefits may also be provided for:

- the initial furnishing of a flat, including household devices,
- the initial provision for clothes and the initial provision for pregnancy and birth,
- the purchasing and repair of orthopaedic shoes, the repair of medical devices and equipment as well as the renting of equipment for therapeutic purposes.

These one-off provisions can take the form of cash benefits, non-cash benefits (vouchers) or a lump sum payment.

Even as a non-recipient of social security in the form of the standard need, you may still be entitled to such one-off benefits if you do not possess sufficient income or assets to fully cover this special need. In this case, however, your income for the following 6 months after the decision has been made can be taken into account.

4.7 When, how and how long will payment ensue?

Benefits to ensure your livelihood are paid in advance on a monthly basis, whereby each full month is always calculated on the basis of 30 calendar days. If the benefits are not applicable for the whole month, then the amount of the benefits is calculated as 1/30 of the monthly amount for each applicable day.

Examples:**Entitlement for February (28 days):**

Start of entitlement on 1st February:	You will receive benefits for 30 days = 30/30
Entitlement ended on 16th February; You have already received benefits for 30 days	You only have entitlement from 1st to 16th day of the month and have therefore received 14 days too much = 14/30

Entitlement for March (31 days):

Entitlement for March ends on 31st March:	You have only received 30 days worth of benefits in March; No change in entitlement.
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The monthly benefit transferred to your account will generally be available for you to draw on from the first working day of the month. The Jobcenter has no influence on any delays ensuing in the payment method (e.g. a delay in the benefit being credited to your account, or a delay in the delivery of a payment order). How quickly you receive your benefits also depends on when you hand in your application documents at the Jobcenter. Although the Jobcenter will process your claim as quickly as possible, it will take a certain amount of time. For this reason, please hand in your claim plus the appropriate documents as soon as possible and in a completed state. Only a completed application can be accepted for processing.

If you have received an advance payment on the benefits, and it later turns out that either your entitlement is less than the sum advanced, or that you are not in fact entitled to any benefits, then you must repay the excess amount. The same applies, in principle, if you make false statements resulting in you receiving benefits of too high an amount.

The decision on your claim will be made solely by your Jobcenter. They will also arrange the benefit transfers to you as well as keeping record of all the documents connected with the benefits. Please address all questions pertaining to the transfer or enquiries for information related to your benefits to your Jobcenter, since only there will they be able to deal with your matter effectively.

4.7.1 Transfer to an account free of charge

You will only receive the benefits to ensure your livelihood free of charge if you specify that the payments be made to a bank account in Germany! You must either be the account holder, or – in the case of a joint account – one of the joint account holders.

On the recommendation of the Central Credit Committee, all banks that normally manage giro accounts for all sections of the community, should provide every citizen with a giro account (credit account) on request, unless special reasons do exist which make the request unreasonable.

4.7.2 Payment method if you do not have an account

If you do not have an account, a “Zahlungsanweisung zur Verrechnung” (payment order to payee account only) will be arranged for you. You (or a person authorised by you) can then cash this payment order at any payment counter of the Deutsche Post (German Post Office) or the German Post Bank. However, a flat-rate charge of 2.10 Euros will be incurred for this service, which will be deducted from the amount payable to you!

This charge will not be made if you can demonstrate that it is not possible to open an account through no fault of your own.

Irrespective of the above, however, a fee will still be charged at the payment counter in respect of the cash payment – as shown in the table below. The Jobcenters have no influence on this whatsoever!

		Payment amount	Charge
		to 50.– Euro	3.50 Euro
Above	50.– Euro	to 250.– Euro	4.00 Euro
Above	250.– Euro	to 500.– Euro	5.00 Euro
Above	500.– Euro	to 1,000.– Euro	6.00 Euro
Above	1,000.– Euro	to 1,500.– Euro	7.50 Euro

Individual amounts of less than 10 Euros will not be paid out, but collected and only paid out once the amount has reached 10 Euros. This, however, does not apply if a period longer than six months has elapsed since the last cash payout,

4.7.3 Period of benefit approval

In order to be able to check in manageable intervals whether the requirements for your claim still apply, the benefits will generally be approved for six-monthly periods, unless it is determined that the requirements no longer apply before the six month period has passed.

4.8 Benefit claim seizure

Benefits to ensure your livelihood are normally unseizable, and may not therefore be transferred or pledged. If the benefits are paid into your bank account, then the amount paid in can only be seized or settled against a demand from your bank 14 calendar days after being credited to your account. Before this time, the bank is obliged to pay out the benefit to you on request. **This legal seizing protection will, however, only apply up to 31st December 2011.**

Every person, however, is free to convert their giro account into a Pfändungsschutzkonto (beneficiary protection account), which would ensure certain exemptions from seizure. Please contact your bank to obtain the precise details, and, if necessary, convert your giro account into a beneficiary protection account in good time, to protect your benefits (up to the amount of the legal limit) from being accessed by creditors.

Should seizures from your giro account, or other places you receive money from (e.g. Jobcenter) occur, you have the possibility of applying for a stay of execution at the relevant district court. Our debt counselling service will be happy to provide you with detailed information on this.

5.1 Who may receive Sozialgeld (Social Assistance)?

Those persons, who are eligible for benefits and are unable to work, and live together in a Bedarfsgemeinschaft with a beneficiary who is able to work, will receive Sozialgeld benefits to ensure their livelihood, unless they are entitled to benefits in accordance with Section 4 of the Basic Social Security Statutes, Book XII (SGB XII) (Basic Social Security in old-age and in association with reduction in earning capacity).

Beneficiaries of a pension on account of partial or temporary reduction in earning capacity may receive Sozialgeld.

Members of a Bedarfsgemeinschaft, who are beneficiaries of a pension on account of a full permanent reduction in earning capacity or have reached, the official retirement age (between 65 and 67) have no entitlement to Sozialgeld.

5.2 What are the Sozial Assistance benefits?

Sozialgeld consists of:

- the standard need,
- the need for accommodation and heating.

Beneficiaries of Sozialgeld may also be entitled to additional need, benefits for training and participation and special needs or loans in the event of irrefutable need (refer to Section 4.6.1).

The standard need amounts are shown in the table in Section 4.3.

The benefits for additional need are basically the same as those for Arbeitslosengeld II (refer to Section 4.4).

Disabled persons unable to work in possession of a disabled person's pass marked with the letter "G" may receive an additional need of 17 percent of the standard need, provided that they are not entitled to any other additional need on account of their disability.

What effects do income and assets Have?

A reminder: the benefits to ensure your livelihood – Arbeitlosengeld II and Sozialgeld – will only be granted, if a need for assistance exists. A need for assistance is considered to exist, if your livelihood and the livelihood of those living with you in a Bedarfsgemeinschaft cannot be ensured when taking income and assets into account. The principle is quite simple. You first have to use whatever means are available to you, before you can expect financial assistance. Therefore, if you possess income or assets, then your need for assistance may be temporarily, partially or totally obviated – depending on how much of it is counted towards your need for assistance.

Your own sources include:

■ your income

Income is basically defined as any earnings in money or equivalent in money terms. It does not matter what kind of earnings are involved, or where it originates from, whether it is intended to cover your livelihood, whether it is taxable, or whether it is a one-off occurrence, or ensues on a regular basis.

■ your assets

All your “possessions” that have a monetary value and are utilisable, irrespective of whether they are in Germany or another country.

The Social Security Statutes Book II (SGB II) permits **exempted amounts** (i.e. not counting towards your livelihood) both in respect of income and assets. In this regard, please refer to Section 7 and 8.

Will income and assets belonging to other persons living in my household be taken into account?

As all persons belonging to the Bedarfsgemeinschaft (refer to Section 1.2) will be taken into account when calculating the benefits, so will their income and assets, i.e. the income of a partner (spouse, life partner or partner in a responsible and committed union). Income from any unmarried children aged under 25-years-old, – whether yours or your partner’s – will also be taken into account. If you are under 25 and unmarried, then the income and assets of your parents will be included.

This is the reasons for some of the questions in the claim form (and the relevant attachments (documents) to the claim) relating to the other persons living together in the household of your Bedarfsgemeinschaft.

Please note:

You must specify all of your assets and income in your claim and relevant attachments. The Jobcenter is the sole decision-maker (in accordance with the law) as to whether they should be taken into account (and if so, to what extent) when calculating the amount of benefits you receive. Not only does it possess the right to do this, but it is indeed incumbent upon the Jobcenter to check both your statements and those of other persons in your household. Please answer the questions in the claims form carefully; if in doubt, it's always better to ask. You really don't want to take the risk of not disclosing any income or assets! As a matter of course the Jobcenter receives third-party data by means of automatic data validation and reconciliation (DVR) processes (e.g. from the Federal Central Tax Office, pension insurance institutes), and assesses them. By such means the Jobcenter will be made aware of any undisclosed employment or financial transactions on your part.

6.1 Employment and Arbeitslosengeld II

You are also eligible for Arbeitslosengeld II benefits if you are engaged in full-time employment but not earning a sufficient amount to ensure your livelihood and that of your family. The statutory limit of 15 hours a week in pursuance of an additional income valid with receiving Arbeitslosengeld I (from the Agentur für Arbeit) does not apply to the area of jurisdiction pertaining to Arbeitslosengeld II. Unemployment is by no means a requirement for receiving Arbeitslosengeld III! This principle applies equally to the exemption amounts with Arbeitslosengeld I. In this regard please refer to Section 7.

If you are receiving income from employment on an employee basis (i.e. not self-employment), it stands to reason that you are obliged to choose the most favourable category in your circumstances, in order to achieve the highest possible income.

7.1 Income to be taken into account

Examples of income are:

- Earnings from self-employment or employment with compulsory social insurance contributions (as employee),
- Benefits in lieu of earned income, such as Arbeitslosengeld, Elterngeld (parenting benefit) - in the event of no prior employment, or Krankengeld (sick pay),
- Income from investment or interest,
- Income from renting or leasing, agriculture and forestry, maintenance allowance,
- Kindergeld (children's benefit), pensions, income from shares,
- One-off incomes (e.g. tax rebates, severance payments, inheritances, operating costs rebates).

7.2 Deductible (exempted) amounts of income

To be deducted from income (i.e. exempt) are:

a) The subsequent applicable taxes

such as:

- income tax,
- solidarity surcharge,
- church tax,
- commercial tax,
- capital gains tax.

b) The compulsory social insurance contributions

in the legally stipulated amounts. These are the contributions for:

- health insurance,
- long-term nursing insurance,
- pension insurance,
- employment incentives

as well as compulsory social insurance contributions for self-employed persons subject to such contributions

for:

- old-age insurance for farmers, in-
- surance for craftsmen
- accident insurance

and

- the compulsory long-term nursing contributions for those persons with voluntary health insurances.

c) Legally prescribed and appropriate private insurances

Legally prescribed insurances, such as motor vehicle compulsory insurance against civil liability, are deductible in their full amount.

A lump sum of 30 Euros a month is deductible for reasonable private insurances taken out by adults. This lump sum is to be taken into account for minors, if the minor has actually taken out an appropriate insurance for a reason and amount that is considered reasonable.

For beneficiaries, who do not have a compulsory health insurance and are exempted from the state pension scheme, the cost incurred for reasonable insurances is not covered by the “30 Euros lump sum”. The relevant costs are deductible in the demonstrated amount. Such insurances include voluntary/private health/long-term nursing insurances, pension insurance, accident insurance, disability and incapacity to work insurances, insurances for self-employed/freelancers and life insurances. Provided that you receive a subsidy for the costs, then the deductible amount will be reduced by that subsidy (on subsidies refer to Section 12).

d) The pension plan contributions funded in accordance with the Income Tax Act

provided that they are not higher than the minimum amount for “Riester funded” insurances.

e) The necessary costs for acquisition, for securing and maintaining income (advertising costs)

such as:

- costs for running two households,
- dues for unions and professional associations,
- costs for work materials and work clothes,
- travel expenses.

Here too, before taking income from employment as an employee (not self-employed) into account, the Jobcenter will deduct monthly lump sums in the amount of:

- 15.33 € as a lump sum for advertising expenses

additionally

- for carrying out your occupation:
 - the cost incurred for using public transport, or
 - if using a car, €0.20 per road kilometre distance (the shortest distance), provided that this does not result in an unreasonably higher amount than would be incurred using public transport.

If you demonstrate that your expenses are overall higher than the sum of the two lump sums, then these higher expenses can be taken into account.

If you are engaged in self-employment, then you have to demonstrate your earnings and expenses resulting from your activity, which you incur during the period of entitlement. For detailed information, please refer to the tips and information contained in the Declaration of Income from Self-employment, Commercial Activity or Agriculture and Forestry during the Period of Entitlement (Attachment EKS) – available from your Jobcenter.

f) Costs on fulfilling statutory maintenance obligations

These are deductible up to the amounts stipulated in the maintenance orders or notarial recorded maintenance arrangements.

g) Amounts already taken into account for a child's vocational training or preparation

Income already taken into account in pursuance of the Federal Training Assistance Act or Social Security Statutes Book III (SGB III) when calculating the allowance will not be taken into account a second time.

h) Deductible amounts for employment

Instead of the costs named in Sections 7.2 c, d, e (private insurances, provisions for illness and old-age, advertising costs), a lump sum of 100 Euros will be deducted from your gross earned income. If your costs are higher than this amount, then the higher amounts are deductible, provided that your gross income exceeds 400 Euros a month. For allowances for voluntary or honorary activities, or for example as a trainer (tax-free income in accordance with the Income Tax Act), then instead of the lump sum of 100 Euros, an exemption amount of 175 Euros will apply.

In addition to the above, the following deductions also apply

- For a gross income from €100.01 to €1,000: 20 percent
- For a gross income between €1,000.01 and €1,200 an additional 10 percent. If you have a child under 18 years of age, or you are living together with a child under 18 years of age in a Bedarfsgemeinschaft, the upper limit of €1,200 is increased to €1,500.

Note: in transitional cases (start of current entitlement period before 1st July 2011 and as yet no new work to start on), then the old deductible amounts will continue to apply up to the end of the current period of entitlement.

Example:

You have a monthly gross income of €1.900.

After the deduction of tax and social insurance contributions, let us assume that this leaves you with a net amount of €1,500:

Of which is exempted:	100 Euros
From €100.01 to €1,000 (= €900)	
an extra 20 % is exempted =	180 Euros
From €1,000.01 to €1,200 an	
additional 10 % is exempted,	<u>20 Euros</u>
Total amount exempted =	300 Euros

If you have a child under 18 years of age, then the amount exempted will increase by a maximum of €30 (from €1,200 to €1,500 gross).

If you are engaged in marginal employment (up to €400 Euro), then you are not generally liable for tax or social insurance contributions. The following amounts are exempted from your income:

The lump sum of	100.00 Euros
plus 20 percent of the remaining €300 =	<u>60.00 Euros</u>
This results in a total exempted amount of	160.00 Euros

For children's allowance without entitlement to Basic Social Security benefits, please refer to Section 2.

7.3 Income not to be taken into account

Certain incomes do not apply as incomes for the purposes of the regulations on Basic Social Security for jobseekers; in this regard, they are not therefore included in assessing the existence of a need for assistance (privileged income).

Examples:

- Basic pension in accordance with the Federal Support Law (BVG) and other laws having a corresponding application,
- Allowance for the blind.

- Attendance allowance for bringing up the first and second child to be cared for – 100 percent, and for the third child up to 25 percent (only up to 31st December 2011),
- Special allocations such as emergency aid in the event of a catastrophe, honorary dues from public funds (birthday or wedding anniversary, lifesaving), donations from tombolas for persons in need,
- €60 of the pocket money received by participants in Federal Voluntary Service.

7.4 Opportunity jobs (One-Euro Jobs)

Earnings from an opportunity job (Arbeitsgelegenheit) with compensation for additional expenditure are not included when calculating your entitlement to Arbeitslosengeld II. These opportunity jobs are not considered as employment from an insurance perspective, and are therefore not subject to compulsory social insurance contributions.

7.5 Timing of taking income into account

Income is taken into account in the month that you actually receive it. Since Arbeitslosengeld II will already have been paid to you at the beginning of the month, it may happen that – in the event of you receiving income later in the month – you have received more benefits than you are entitled to in that month. If this should occur, then you must repay the amount overpaid.

Example: You are currently in receipt of Arbeitslosengeld II. On 1st February 2011 you take up a marginal employment job and receive your first wages for this work on 28th February 2011. These wages have to be taken into account as income for February (the month you received it). Since you have already received your benefits for the month of February, this means that the benefits you have been paid are too high. Therefore you must repay the overpaid amount.

Assets

Insofar as they are utilisable, assets must be taken into account.

8.1 What are assets?

Assets are defined as all the possessions belonging to a person, which have a monetary value – irrespective of whether they are in Germany or another country. These include ready cash, investment account deposits, savings accounts, savings bonds, securities (equity and fund shares), endowment life policies, property, freehold apartments as well as rights in rem in properties.

In principle, your own utilisable assets and the utilisable assets of the members of your Bedarfsgemeinschaft will be taken into account.

Assets are considered utilisable if they can be directly used for your livelihood, or if their monetary value can be made use of for your livelihood by usage, selling, mortgaging, renting or leasing. Assets are considered non-utilisable if the owner cannot dispose of them (e.g., because the asset is pledged).

Income, that you have received before the period of assistance (i.e. up to and including the month before making the claim, will count as assets.

For the purpose of declaring your various kinds of assets (if you have any), you must complete Attachment VM as part of your claim.

Example:

Mr. M. (not exempted from compulsory pension contributions) is a single person and has for 18 years been paying a monthly sum of 100 Euros for a life assurance policy. The accrued assets are utilisable, since the repurchase value of the life assurance (in this case approx. 20.000 Euros) can be utilised for his livelihood.

Note:

It may be more favourable not to terminate the life assurance policy, but sell it on to a company who will continue paying the monthly contributions. It is often possible to keep the death protection clause. Information on this is available at consumer advice centres.

8.2 Deductible assets:

■ Exempted amounts

You are allowed a basic exemption amount for you and your partner of 150 Euros per person for each completed year of age (age in years times 50), but in any case a minimum of 3,100 Euros. If you were born before 1st January 1948, then a higher exemption amount of 520 Euros for each completed year of age applies. The basic exemption amount of 3,100 Euros also applies to each eligible underage child.

Example:

Married couple M.:

Mr. M. is 38 years of age. He has 38 x 150 Euros
= €5,700 exempted

Mrs. M. is 32 years of age. She has 32 x 150 Euros
= €4,800 exempted

Their daughter A. is 17 years of age. She has
€3,100 exempted

■ “Riester-investment vehicles” pension plan

Savings ensuing from so-called Riester pension plans (including the accrued profits) are not taken into account.

Condition: The recipient may not make premature use of the asset, i.e. before it matures.

■ Other pension schemes

Other assets in the form of pension schemes are also exempt up to a maximum of 750 Euros for each completed year of age for the beneficiary and his partner. Condition: The utilisation of these pension schemes before retirement must be contractually and irrevocably excluded. A contractual exclusion of amounts exceeding the exempted amount is not permitted in accordance with § 168 Section 3 of the Insurance Contract Act.

■ Exempted amount for necessary purchases

Each member of the Bedarfsgemeinschaft is entitled to an exempted amount of 750 Euros for any necessary purchases.

8.3 Assets not to be taken into account

The following assets will not be taken into account:

■ Reasonable household effects

this includes all objects that are necessary or at least normal for housekeeping and living.

■ A reasonable car

for each person able to work.

■ Certain objects and rights in the event of exemption from the statutory pension scheme

Provided that you or your partner is exempted from the state pension scheme, then these (upon demonstration) will not be taken into account. However, it must be unmistakably recognisable that such assets are intended as provision for your retirement. An example would be an endowment life assurance policy maturing not earlier than your 60th year of age.

■ A reasonable self-owned apartment or house that you live in yourself

■ Assets for the purpose of purchasing or maintaining a reasonable house for disabled persons or persons in need of care

Assets that are intended for the purchase or maintenance of a house in the near future will not be taken into account. This, however, will only apply if the house is intended for disabled persons or persons in need of care, and the utilisation of these assets to avoid your need for assistance would jeopardize the above purpose.

■ Objects and rights, whose utilisation would be evidently uneconomic

With regard to the question of whether the utilisation of assets would be evidently uneconomic, it is not important to what extent future profits or yields would be lost. What counts is the current net asset value. Insofar as the utilisation of the assets would realise a monetary value more than ten percent lower than this current net value, then the utilisation is considered evidently uneconomic.

8.4 Exemptions from immediate asset realisation

Should the immediate utilisation of assets for the purpose of taking into account to lessen or avoid your need for existence not be possible, or would result in a particular hardship, then benefits will be paid to you in the form of a loan. Such benefits may be made dependent on whether the repayment claim is secured in rem (e.g. by a mortgage) or by other means.

9.1 What kind of benefits exist?

For children, teenagers and young people there are – in addition to the standard need – also the so-called training and participation needs available:

Learning benefits	School transport	School provisions	School pupils
Lunch subsidy	School trips, (for one or more days)	Culture, sport Joining in*	School pupils and day care children
* for children and teenagers up to completion of their 8th year of age			

School pupils are all persons who:

- are not yet 25-years-old,
- attend a general educational or vocational school, and
- do not receive a trainee allowance.

9.1.1 School trips of one or more days

For school pupils and children attending a day care centre, the costs for trips of one or more days will be assumed by the Jobcenter.

9.1.2 Equipment for personal school requirements

School pupils will receive 70 Euros on 1st August (from 2011) and 30 Euros on 1st February (starting in 2012*) for school equipment. This allowance is intended to facilitate the purchasing of school materials, such as school satchels, sportswear as well as writing, calculating and drawing material (pens, colouring crayons, pocket calculators, set square, notebooks and folders, erasers, children's building materials).

(* up to and including 2010, the benefit was paid in one lump sum (€100) in August for the whole school year. The new regulation therefore applies to the 2010/2011 school year)

9.1.3 Appropriate learning aids

School pupils sometimes need support to achieve the essential learning targets at school. Appropriate additional learning support can be granted, provided that the school confirms the need and no comparable school services exist for this purpose.

9.1.4 Subsidy for community lunch

If schools, day-care centres or child minders provide lunch (and in this regard is meant a canteen or kitchen – not a takeaway kiosk selling sandwiches and small snacks), a lunch subsidy can be granted to cover the extra costs on the basis of a parental contribution of one Euro per day.

9.1.5 Taking part in social and cultural life

Children and teenagers under 18 years of age will receive a monthly budget of 10 Euros to assist them to take part in club, cultural or leisure offers, e.g. music lessons, sporting activities, leisure pursuits and the like.

9.1.6 School transport costs

School pupils who are not able to get to the nearest secondary school on foot or by bicycle, will generally receive a public transport subsidy, insofar as these costs cannot otherwise be met.

9.2 How are the benefits provided?

In order to avoid the benefits being directly paid to the children, most of the subsidies will not be provided in money, but as payment in kind and services – particularly in the form of vouchers. Different variants for settling the costs exists. Your relevant Jobcenter will determine the procedure for this and inform you appropriately.

Please keep bills, receipts, school travel tickets and registrations in a safe place, since you will be required to present them to the Jobcenter as proof.

9.3 Submitting a claim

A separate claim must be made for each child in respect of all the allowances for education and participation (excluding the personal school requirements).

Please submit your claim in good time, so that your children can receive their full benefit.

Note:

The municipal bodies are completely responsible for the funding and implementing of these educational and participation measures. Generally speaking the Jobcenter is responsible for these measures in relation to beneficiaries of Arbeitslosengeld II. However, the Jobcenter is not the responsible body in the case of families in receipt of Wohngeld (housing subsidy) or Kindergeld (children's allowance).

Please contact your Jobcenter to find out who is responsible for these subsidies/services in your case.

More information on this subject is available on the internet at: www.bildungspaket.bmas.de

Benefits in case of inability to work

Should you fall ill while receiving Arbeitslosengeld II benefits, you will keep your social insurance protection and continue to receive the same amount of Arbeitslosengeld II as before your illness.

If you fall ill following the submission of your claim or while receiving Arbeitslosengeld II benefits, you are obliged to immediately notify the Jobcenter of your inability to work, and provide the Jobcenter with a doctor's certificate relevant to the inability to work containing the probable duration of such. If the duration of your inability to work should last longer than initially attested to by the doctor, then you have to provide a further medical certificate covering the new period. As soon as you have recovered from your illness and are able to work again, please notify the Jobcenter immediately.

Social insurance

As a beneficiary of Arbeitslosengeld II (not Sozialgeld) you are as a matter of principle necessarily insured in the statutory health and long-term nursing insurance schemes. In addition, the Rentenversicherung (Statutory Pension Scheme Body) will be notified of the period you receive Arbeitslosengeld II for, which – if appropriate – will be considered by that body as a credit period.

Beneficiaries of Sozialgeld, however, will not be insured by the Jobcenter in the statutory health, long-term case and pension insurance schemes. As regard your insurance protection in this case, please contact your health or pension insurance fund. The Jobcenter can in certain cases provide you with a subsidy towards your insurance contributions.

11.1 Health and long-term nursing insurance

As a beneficiary of Arbeitslosengeld II, you are as a matter of principle necessarily insured in respect of health and long-term nursing insurance, provided that it is not possible for you to be family-insured on the basis of your partner's insurance. The flat-rate payments for your health and long-term nursing insurance will be paid solely by the Jobcenter in the statutory amount stipulated by law.

If you had a private health insurance in the period immediately preceding your receiving Arbeitslosengeld II benefits, you are free to keep your private health insurance during the period of receiving benefits. If you did not previously have a health insurance and are engaged in full-time self-employment or exempt from compulsory health insurance in accordance with SGB V § 6 Section 1 or 2, you will also not be insured by the Jobcenter in a statutory health insurance. In this case, you must take steps yourself to obtain health insurance. If necessary, your Jobcenter can provide you with an allowance for this purpose (refer to Section 12).

Special regulations continue to apply in regard to compulsory statutory health insurance if you over 54 years of age when starting to receive Arbeitslosengeld II benefits.

If you are receiving Arbeitslosengeld II as a loan, or are only receiving benefits for the initial furnishing of accommodation, for clothing (incl. pregnancy or birth) or for orthopaedic shoes, then you are not subject to compulsory statutory health insurance.

If you are subject to compulsory statutory health insurance, the Jobcenter will register you at the same health insurance fund you were insured with beforehand.

You can, if you wish, choose a different health insurance fund, if you have given notice in time to your previous health insurer.

If you are insured with an agricultural health insurance fund, you are not permitted to change to a different health insurer.

If you were neither insured with a statutory health insurance fund nor privately insured (for example if you had been a recipient of Sozialhilfe (Social Assistance) before receiving Arbeitslosengeld II benefits), you have to choose one of the statutory health insurers to be insured with, and register there. As soon as you receive the relevant membership certificate of the insurer, please immediately present it to your Jobcenter.

You may choose between: one of the following insurance funds:

- the AOK (General Health Insurance Scheme) where you live,
- an Ersatzkasse (substitute health insurance) in your area.
- a Betriebs-/Innungskrankenkasse (company/craft guild health insurance scheme) if you have previously been employed in a company or craft guild, or if the statutes of the company/craft guild health insurance scheme allow for membership by a person not working for the company/craft guild,
- your spouse's insurer,
- a miner's health insurer, or
- a marine health insurer.

If you do not take advantage of your right to choose, then your Jobcenter will do it for you.

You are bound to the chosen health insurance fund for a minimum period of 18 months. After this period, you are free to terminate your membership in any month, which will become effective at the end of the month after the following month, i.e. two months later.

Should your health insurer charge you for an additional contribution or increase this additional contribution, you are entitled to an exceptional right of termination. This exceptional right of termination also applies if you already paying an additional contribution and only then become a beneficiary of Arbeitslosengeld II.

The health insurance fund (not your Jobcenter) is solely responsible for deciding on whether the choice of health insurer shall be effective. For more details in this regard please contact your health insurance fund.

If you change your health insurance fund, please present a membership certificate with the new insurer to your Jobcenter.

Your notice of granting/amendment will contain the details of the health insurer you are insured with for the period of the granting of benefits. The Jobcenter will notify your health insurer of the start and end date of your benefits including any interruptions.

Your Jobcenter will only insure you once your claim has been **approved**. In principle, your insurance cover will begin on the first day you receive benefits for – also if backdated. In the event that you have to make use of your health insurer's services after submitting your claim but before it is approved, then you are not officially insured for this period! As a precautionary move, you should therefore conclude an agreement for provisional insurance cover with your insurer for you and your family for this period.

In the event of any unlawful benefits (e.g. making false statements when submitting the claim), you have to take into account the fact that not only do you have to repay overpaid benefits to the Jobcenter, but the health and long-term care contributions as well.

11.2 Family insurance

When you receive Arbeitslosengeld II, you may be insured as a family dependent (Familierversicherung). In this case, the Jobcenter will not assume the costs for another, private insurance.

Under certain circumstances, a family dependent insurance as part of somebody else's insurance (spouse, life partner, or parent – the so-called insured person) may be possible. Whether a family

insurance already exists will in principle be decided by your Jobcenter. If both husband and wife / life partners are receiving Arbeitslosengeld II, then as a rule the person submitting the claim and receiving the benefits is subject to statutory insurance (the insured person). This person is, however, free to designate the spouse/other life partner as the person subject to statutory insurance. Such a step has to be made in writing.

11.3 Accident insurance

You are insured against accidents when you visit your Jobcenter or another body (e.g. for a medical examination, or an interview with a potential employer), provided that you are specifically requested. It is therefore in your own interest to notify your Jobcenter immediately of any accident to befall you on the way.

Please note: if you requested for an interview by a commissioned third-party (e.g. a private work placement provider), then you are not insured against accidents. In this case the third-party must provide for the accident insurance!

11.4 Pension insurance

As a beneficiary of Arbeitslosengeld II or Sozialgeld, you are not subject to statutory pension contributions. However, the Statutory pension scheme body will be notified of the period of your entitlement to Arbeitslosengeld II by the Jobcenter. This body will then check whether a credit period shall be applicable. In this manner, gaps in your pension insurance biography will be avoided and, in particular, any existing entitlements to reduced earnings incapacity pensions and participation benefits will continue to be maintained.

The period, during which you receive benefits cannot be considered as a credit period, if you are working in employment (self-employment or otherwise), or subject to statutory insurance contributions for other reasons, e.g. receiving sickness benefit. In the same manner, the following also cannot be considered as a credit period: attendance at school, receiving Arbeitslosengeld II as a loan, only receiving benefits for initial furnishings of an apartment, for clothing (including for pregnancy or birth) or for purchasing orthopaedic shoes.

Your Jobcenter will inform you which benefits periods the Statutory Pension Scheme body will be notified for.

11.5 Notification of periods without benefits to the State Pension Scheme

The State Pension Scheme body shall also be notified of periods of unemployment, during which you **do not receive benefits**, provided that:

- you are actively looking for employment (own efforts), you are
- available for work placement efforts
- you have registered as unemployed and have renewed your request for placement (in person, by telephone or in writing) in three-monthly intervals, and you have not received
- Arbeitslosengeld II on account of a non-existent need for assistance.

If you are unemployed and do not have any entitlement to Arbeitslosengeld II on account of a non-existent need for assistance, please immediately register – if you have not already done so – as unemployed at your local Employment Office (Agentur für Arbeit).

Under certain circumstances as stipulated in statutory pension regulations, it is possible that the period of your unemployment without receiving benefits, may be considered as a **credit period**. The Jobcenter is not competent to judge on this matter. If in doubt therefore, please contact your Statutory Pensions Scheme office or local information and advice centre for pension affairs.

If you were born before 2nd January 1950 and the period of your unemployment started before 1st January 2008, then the period, during which you do not receive benefits, will be taken into account as a credit period by the Statutory Pension Scheme body, provided that you no longer wish to participate in full-time employment.

Your Jobcenter will inform you, which credit periods in your case the Statutory Pension Scheme body will be notified for.

12.1 Insurance contribution allowance

Despite drawing benefits, you will not always be subject to statutory health and long-term nursing insurance contributions, neither will you always be able to be insured as a family dependent. Under certain conditions, you can then receive an allowance towards your insurance contributions to a private health and long-term nursing insurance fund.

Your Jobcenter will then pay you an allowance towards your insurance payments to a private insurer.

The private health insurance will provide for a so-called basis tariff contribution. If you are eligible for benefits, this contribution will be halved. If you have concluded an insurance, which is not the basis tariff insurance, your individual contribution for that insurance will be additionally used as a comparison. The Jobcenter can then pay you an allowance for the more favourable contribution (basis tariff half-contribution or your individual contribution). You have to show the Jobcenter evidence of both your basis tariff contribution as well as your individual contribution.

Please address any queries you have regarding the continuation of a private health/long-term nursing insurance during or following the end of the period of receiving benefits to your private health insurer.

You can also receive an allowance towards your private or voluntary statutory health insurance if you are a beneficiary of Sozialgeld.

Since 2011 an allowance towards pension contributions will no longer be paid.

In this regard, please note the separate leaflet "Allowance towards Insurance Contributions".

12.2 Health/Long-term nursing insurance allowance to avoid need

If you are not entitled to Arbeitslosengeld II or Sozialgeld, because – to give an example – your income is sufficient to ensure your livelihood, you will not be insured (for health/long-term nursing insurance) by your Jobcenter. If you are not otherwise insured and cannot be insured as a family

dependent member (e.g. with your spouse, life partner or as the child of an insured member), you are therefore obliged to obtain health insurance for yourself. In this situation, the Jobcenter can pay you an allowance, provided that your income does not suffice to pay for your health and long-term nursing insurance.

In order to receive this allowance, you must make a separate claim for it. In this regard, please note the separate leaflet "Insurance contribution Allowance to avoid need".

12.3 Additional health insurance contribution

In the statutory health insurance, it is possible that an additional contribution (Zusatzbeitrag) – over and above the basic contribution – may be imposed. This would naturally apply also to beneficiaries of Arbeitslosengeld II and Sozialgeld. You do not have to bear the cost of this additional contribution, provided that the contribution in question is the so-called average additional contribution. Insofar as your health insurance fund imposes an additional contribution higher than the average one, then you are obliged to pay the difference between the average additional contribution and the higher one yourself, provided that this is stipulated in your insurer's statutes. You can, however, avoid this by making use of your right to terminate this insurance and change to a health insurer, who does not impose an additional contribution higher than the average additional contribution on beneficiaries of Arbeitslosengeld II and Sozialgeld in accordance with SGB II.

Please note that you possess a special termination right if your health insurer either imposes or increases an additional contribution for the first time.

The additional contribution will, however, only be assumed (on application), provided that you do not receive Arbeitslosengeld II or Sozialgeld, but would become entitled to it by paying the additional contribution. An allowance of the amount required to avoid your need for assistance will be paid, until you can change to a health insurer who does not impose this contribution. If you do not change your insurer, then the Jobcenter can only pay the balance between the average additional contribution and that amount of your income that exceeds your need for assistance. For more information please contact your Jobcenter.

13.1 Basic obligations and consequences of breaching them

The concept of Arbeitslosengeld II envisages a balance between the two principles of support and demand. This means first and foremost that you are expected to play your part by taking concrete steps to end your need for assistance. In other words, you are obliged to make efforts on your own initiative to end your unemployed status. This includes active participation in all the measures intended to support this goal.

This also includes the requirement that – as a matter of principle – you are personally reachable every working day at the address you have specified to be able to receive post from your contact partner at the Jobcenter as well as being able to attend the Jobcenter on a daily basis. Should you intend to temporarily reside at another address, then you are obliged to notify your contact partner of this intention.

If you do not meet these obligations without a pertinent reason, then there will be wide-ranging consequences for you. You will have to reckon with the fact that your benefits will be reduced (or even discontinued) – possibly also for the past. These measures also apply if you ignore a request to personally report to the Jobcenter.

If you are under 25-years-old, then multiple violations of your reporting requirements will result in your children's' allowance being discontinued by the Familienkasse (Family Office), if appropriate.

Please therefore note the following points very carefully. It is in your own interest to exclude in advance any disadvantages / penalties that could occur.

Should you – despite being informed in writing of the consequences or having knowledge of them –

- refuse to fulfil your obligations as stipulated in an integration agreement or administrative act, in particular, to sufficiently demonstrate your own efforts to find work, or
- refuse to accept or continue reasonable work (including one that is supported by an employment grant), training measures or opportunity job, or behave in such a manner as to

preclude the possibility of such, or

- refuse to report for, or interrupt (or by your behaviour directly cause the interruption) measures intended for your integration in work ,
- then the breach of your obligations will be sanctioned.

Sanctions will also apply, if you:

- after completion of your 18th year of age, have deliberately reduced your income or assets in order to become eligible for (or for an increase of) Arbeitslosengeld II,
- continue your uneconomic behaviour (e.g. constantly high telephone or electricity bills) despite being informed of the consequences or having knowledge of them,
- do not receive Arbeitslosengeld II, because your entitlement has been suspended or discontinued,
- you fulfil the requirements for a blocking period, which would lead to a suspension or discontinuation of your entitlement to Arbeitslosengeld II.

13.2 Personal reporting obligation

For as long as claim basic benefits for jobseekers, you are obliged to report to your Jobcenter or other office, and – if necessary – appear for a medical or psychological examination if so requested by your Jobcenter.

The personal visit may also be necessary in order to discuss preparatory details connected with deciding on benefit proceedings or checking benefit requirements (need for assistance). Should you fall ill at the time of reporting, and are prevented from appearing on that date by illness, your Jobcenter may decide that the requirement to report personally shall apply on the first day that you are able to work again. This obligation to report personally also applies during opposition or social judicial proceedings if you are claiming benefits in this time.

If you are prevented from keeping this appointment, please contact your Jobcenter immediately and provide the reason for not being able to do so.

13.3 Holidays

As a beneficiary of Arbeitslosengeld II, you are not entitled to holidays in the actual sense of the word as an employee would be in the course of his employment. However, subject to the prior approval from your contact partner, you are permitted to be absent from where you usually reside for a maximum of 3 weeks per calendar year, including abroad (so-called absent from residence). The approval, however, may only be granted, if your vocational integration will not be affected by your absence. During this period of absence you are exempt from the obligations mentioned in Section 13.1 above. An extension of this period is as a matter of principle not permitted.

Please note: To stay somewhere outside your place of residence (whether somewhere else in German or abroad), you require the **prior** approval of your contact partner!

On returning to your place of residence, you are obliged to immediately report to your contact partner.

Any unapproved absence from your place of residence will lead to the discontinuation (and possibly to a demand for repayment) of Arbeitslosengeld II benefits. The same applies in the event of a delayed reporting, even if you returned to your place of residence at the proper time!

TIP:

Before you travel abroad, it is recommended that you take out an additional private international health insurance, since the statutory health insurers do not assume the costs of transporting an injured person (or one taken ill) back to Germany. Private international health insurances are available for a very low charge (ca. €10.- €).

In addition, you are advised to contact your health insurer regarding your insurance coverage abroad!

14.1 Reduction and discontinuation of Arbeitslosengeld II / Sozialgeld

The law provides for different consequences (sanctions) in the event of improper conduct. The benefits may be reduced or completely discontinued accordingly.

As a result of improper behaviour despite notification of the legal consequences or having knowledge of them, your standard need will be reduced by 30% as a first step.

14.2 Repeated breaches of obligations

In the event of repeated breaches of obligations despite being informed of the legal consequences or being aware of them, your standard need will be reduced by 60% for the first repeated case, and for any further breach of your obligations will be discontinued. Should you subsequently declare yourself willing to abide by your obligations, it is possible to limit the penalty for further repeated breaches of your obligations to 60% of the standard need.

Repeated breaches of your obligations are no longer considered to exist, if a year has elapsed since the beginning of the previous sanction period.

Example:

30 percent reduction from 01.03.2011 to 31.05.2011. Another breach of obligations on 03.08.2011. As a result, the entitlement to Arbeitslosengeld II will be reduced from 01.09.2011 to 30.11.2011 by 60 percent of the standard need.

In the event of a reduction by more than 30 percent of the standard need, supplementary non-cash benefits may be provided in a suitable amount (e.g. food vouchers), if underage children are living in the Bedarfsgemeinschaft.

14.3 Sanctions in case of violating reporting obligations

You are required to report to your Jobcenter personally on being requested to do so.

Should you not do this, despite having been notified as to the legal consequences or being aware of them, your *Arbeitslosengeld II* benefits will be reduced by 10 percent of your standard need. The same will apply if you do not report for a medical or psychological appointment made for you by the Jobcenter.

Example:

Because of breaching your obligation to report, 10 percent reduction from 01.03.2011 to 31.05.2011. Another request to report personally on 10.07.2011 was not obeyed. As a result, your entitlement is again reduced by 10 percent of the standard need from 01.08.2011 to 31.10.2011.

14.4 Length of sanctions

The benefits will be reduced each time for three months (or completely discontinued), even if your behaviour that caused a breach of obligations does not last as long. If another breach of obligations occurs during this period, a new three-monthly period will begin.

14.5 No consequences for important reasons

If there was a so-called important reason for your breach of obligations, then no sanctions shall ensue. An important reason shall only exist, if consideration of your own individual interests outweighs the public interest. In view of the clear regulations concerning reasonableness, it is only possible to recognise important reasons for refusing work in exceptional cases (refer to Section 3.6). In addition, you must have also undertaken a reasonable attempt to eliminate or avoid the reason, or demonstrate that such an attempt would have been unsuccessful.

Examples:

An important reason for giving up or refusing a reasonable work would be, if:

- performing the work would jeopardize the bringing up of a child under three-years-old,

- Caring for a relative would not be compatible with doing the work, and there is no other way that the caring for the relative could be ensured,
- You are unable to perform certain kinds of work for physical, mental or psychological reasons.

14.6 More severe consequences for beneficiaries under 25 years of age

If you are between 15 and 25 years of age, then any breaches of obligations (with the exception of missing an appointment to report personally to the Jobcenter) will result in your cash payment benefits being discontinued for a period of three months. In this period you will not have any entitlement to supplementary assistance for your livelihood. Only accommodation and heating costs will be assumed by the Jobcenter, and these will be regularly paid directly to your landlord.

Besides this, however, supplementary non-cash benefits or benefits with a monetary value (e.g. food vouchers) will still be possible.

In the event of repeated breaches of your obligations, the accommodation and heating costs will also be discontinued for a period of three months. If, however, you subsequently declare yourself willing to comply with your obligations, the Jobcenter can continue paying your accommodation costs.

It is possible for the period of sanctions to be shortened to six weeks, by taking into account all the circumstances of the individual case.

14.7 Sozialgeld sanctions

If you are a beneficiary of Sozialgeld, then as a result of your improper conduct, sanctions will be applied if you:

- do not comply with a request from the Jobcenter to report personally, or if required, to appear for a medical or psychological examination – despite having been notified of the legal consequences or being aware of them,
- after completing your 18th year of life, have deliberately reduced your income or assets to obtain an entitlement to Sozialgeld benefits (or an increase in entitlement to such),
- do not change your uneconomic behaviour despite being notified of (or being aware of) the legal consequences.

Obligations to cooperate and notify

Your cooperation is required for the Jobcenter to be able to check your claim and arrive at a decision. You are obliged to specify all the details that are relevant in deciding what benefits you are entitled to (the information that is requested in the claim application form). Should information on a third-party be required, then you have to agree to information from this person. If verification (e.g. in the form of certificates) is required, then you have to identify them or provide them yourself.

In addition you are obliged to immediately notify the Jobcenter without being requested of any changes that may subsequently affect your situation. Only in this manner will the Jobcenter be able to calculate the correct amount of benefits you should receive and thus avoid paying you too little or too much. This also applies to changes in your situation that may have a retrospective effect on the amount of benefit, e.g. a backdated pension. If you receive Arbeitslosengeld I and Arbeitslosengeld II (as a so-called "topping-up", you have to notify not only the Agentur für Arbeit but also the Jobcenter of all changes.

Immediate notification is particularly important if:

- You are starting work (including self-employment or helping out a relative). Do not rely on others declaring your work for you. The responsibility in this regard lies solely with you.
- you are a recipient of benefits and you fall ill, or you have recovered from your illness.
- you are claiming or receiving maternity benefits or other, similar benefits.
- You are not a German citizen, and there has been a change in your residence status.
- you are claiming or receiving any kind of pension, in particular, a pension for reduced earning capacity.
- your address has changed: please note when signing a contract for new accommodation you have to obtain the consent of the relevant Jobcenter with regard to the accommodation and heating costs.
- you get married, enter into cohabitation or a (life) partnership or separate from your spouse or (life) partner.
- there is any change in your income or assets or that of your partner and any relatives in your Bedarfsgemeinschaft.

you or your spouse / (life) partner receive revenue from assets (for example interest, dividends), or a tax rebate.

As a matter of principle, the person representing the Bedarfsgemeinschaft has the obligation to disclose any relevant facts to the Jobcenter (also on behalf of the other members). The aforesaid person must ensure that he/she receives the required information, that the members of the Bedarfsgemeinschaft are informed of their obligation to cooperate, and that they understand the contents of the leaflet. The representative's duty of disclosure does not absolve the other members of the Bedarfsgemeinschaft of their own obligations of disclosure and cooperation.

Please ensure that the information you provide is complete and accurate, and that you notify the Jobcenter immediately of any changes. This is especially in your interest. If you make incomplete or false statements, or do not notify changes immediately (or at all), you must repay any benefits wrongly paid, and possibly satisfy the conditions of having committed an offence or crime. Benefit fraud will be uncovered using modern methods of electronic data processing – including cooperation with other public bodies, and will be resolutely pursued, in order to protect the tax-paying community.

Please note: you will receive your benefits in advance on a monthly basis. Any subsequent changes in your situation, which affect the amount of the payment to you for the current month (e.g. income from employment), may result in you having received too much money for this month, even though you made the notification in good time. Notwithstanding this, the amount overpaid to you must be repaid.

Incidentally, it is possible for the child of a parent, who has caused excess payments to have been made in the past, to assert a so-called "limitation of liability" in accordance with § 1629a of the German Civil Code (BGB), as soon as it becomes of age. Then, when the debt collection is enforced, only that amount will be reclaimed from the child's assets, which it possesses in adulthood. In this manner, it is avoided that a child starts her adult life with debts.

How are claims against a third-party Dealt with?

If you, or any other member of your Bedarfsgemeinschaft, who is in receipt of benefits to ensure your livelihood, have any claims against a third-party (not a benefit provider), then the claim for the period when the costs were incurred is, by law, transferred to the Jobcenter. The Jobcenter then assumes the role of claimant, but only for an amount, which is not greater than that amount paid by the Jobcenter to you or other member of your Bedarfsgemeinschaft. Any remaining amount to be claimed remains your responsibility or that of the other member of the Bedarfsgemeinschaft. As far as the past is concerned in this respect, the transfer shall only have an effect, if the liable party has been reported as being liable for payment.

Examples of such a claim that you or other member of the Bedarfsgemeinschaft may have, include:

- a claim against a private health and long-term nursing insurance fund,
- a claim resulting from unjust enrichment,
- a claim to legal portion of an inheritance, or a reimbursement claim relating to a donation.

Civil law maintenance claims (e.g. divorce and separation maintenance, maintenance claims against parents) will also be transferred to the Jobcenter up to the amount of the benefits paid. A claim will not be transferred, insofar as the maintenance claim is being met by ongoing payments.

No maintenance is generally demanded from relatives who are members of the Bedarfsgemeinschaft. This only not the case, if the person who is entitled to maintenance is underage, or is claiming the maintenance themselves. Even if a beneficiary has not yet completed their vocational training and is not yet 25 years of age, maintenance is claimable from their parents. A maintenance claim by a girl, who is either pregnant or caring for her natural child up to the completion of its 6th year of age, will not be demanded from her parents.

You can have the transferred claim transferred back to you for legal assertion, or to be ceded – insofar as the claim has already been legally asserted.

The Jobcenter requires information from you in order to determine your claim to benefits for Basic Social Security and be able to pay these benefits accordingly to you. In this context, the data required (documents, evidence) also includes your bank account statements. In the process, the statements of all the bank accounts kept by members of your Bedarfsgemeinschaft for the last three months are required. If you so wish, however, you can conceal the recipient and purpose of specific debit bookings, which are not relevant to SGB II benefits, by blackening them out on your account statements (party / union contributions, donations to religious associations etc.). However, you must not blacken out any credit bookings, account balances (balance of account at the end of the statement period), or any debit bookings relating to SGB II provisions (rent payments, heating costs, electricity payments, maintenance payments and insurance contributions etc.). Please do not blacken out your original account statements but use copies for this purpose. Your obligation to cooperate follows from Paragraphs 60ff of the German Social Code First Book.

The Social Code protects you, in particular, from illegal use of the personal data. This data may only be collected, processed or made use of, if permitted by legal provision or if you have agreed to such. When you submit a claim, only your necessary personal details will be collected and saved in files or in paper documents. On completion of the benefit process, they will be destroyed – in accordance with the law. You may request information concerning your data that is saved in manually or automatically maintained files or contained in paper documents, have the data corrected or – in legally specified cases– blocked or deleted.

The Jobcenter may also make use of your data to the extent required for the fulfilment of other tasks as stipulated by the Social Code. Your personal data will only be passed on to other offices (e.g. statutory health insurance funds, statutory pension scheme bodies or other public bodies) to the extent allowed in law.

The Jobcenter may also involve private parties in the collecting, processing and using of your social data. In doing so, steps will be taken to ensure that any third-parties so involved shall maintain confidentiality with respect to the data, and that access to the necessary social data shall only be provided on an individual basis.

In order to avoid benefit fraud, the relevant public bodies are authorised to automatically compare the beneficiaries' data concerning their financial and personal situations with the data of other funding bodies – and other specific offices (e.g. Federal Central Tax Office, employer liability insurance associations and social insurance carriers), and in this manner check them for accuracy. In addition, information can be obtained from the Central Vehicle Register, the Register of Residents and the Central Register for Foreigners. Following the data reconciliation process, the data received will be deleted, insofar as no relevant results were obtained.

Medical and psychological reports will be exempted from this process, provided you have expressly disagreed to their transmission.

For the purpose of clarifying the income and assets situation in your Bedarfsgemeinschaft, the Jobcenter may make a request for information to the Federal Central Tax Office (BZSt) for every member of the Bedarfsgemeinschaft, in accordance with §93 sections 8 and 9 of the Fiscal Code as warranted. This request may be made at any time, even following the receipt of your benefit notification. In the event of such a request, the BZSt will provide the Jobcenter with the master data of all your bank accounts, insofar as a period of not more than three years has elapsed since the accounts were closed (pursuant to §93b Section 4 AO in conjunction with §24c Section 1 of the German Banking Act (KWG). This master data includes the name of the account holder, date of birth, account number and right of disposal.

In justified individual cases, the Jobcenter may – for the purpose of clarifying benefit questions – carry out external investigations, particularly house calls. In the case of justified suspicion of benefit fraud, the house call will be unannounced. The Jobcenter's field staff will identify themselves at the beginning of the house call, and explain the reasons for it. By virtue of the principle of the inviolability of the home in accordance with Article 13 of the Basic Constitution, you have the right to refuse entry to your home. It is a voluntary act on your part to allow entry and is not included in your obligations to cooperate in accordance with § 60 SGB I. A benefit claim may not therefore be rejected solely on the basis of a refused house call. If, however, your claim for assistance cannot be otherwise determined, your refusal to allow entry may result in the rejection of your claim.

Demonstrating receipt of benefits to other public bodies

You can demonstrate the fact that you are a beneficiary of Basic Social Security for jobseekers from the notice of granting (Bewilligungsbescheid) from the Jobcenter and the evidence of the most recent benefit payment to you (e.g. bank account statement, payment order).

At such time as you stop drawing Basic Social Security benefits, you will receive a benefits statement from your Jobcenter, containing the periods, in which you received benefits.

Please keep these statements in a safe place!

Basic Social security benefits are tax-free.

TIP:

You may make use of the fact that you are drawing benefits from the Jobcenter by, for example, applying to the Fee Licensing Office (GEZ) for an exemption to the radio and television license. The Bundesagentur für Arbeit will automatically send a special certificate for presentation to the GEZ together with every notice of granting benefits.

You can also use for this purpose the original notice (without the calculation sheets) to demonstrate that you are receiving benefits in accordance with SGB II, or a certified copy or an appropriate confirmation from the Jobcenter. In your own interest, you should make copies of the notice of granting benefits for your own records, insofar as you send the original to the GEZ instead of the separate certificate.

You should apply for an exemption to the radio and television license as soon as possible – at the latest on the same day as you make your claim for Arbeitslosengeld II. If you apply later, this will result in a financial disadvantage for you, since the GEZ license exemption may ensue at a later date than the beginning of the SGB II benefits.

Incidentally: you can always send off the notice of granting benefits to the GEZ at a later date!

Notices of granting and how you can appeal against them (legal remedies)

Your Jobcenter will inform you of their decision on granting benefits (as well as every subsequent change in them) in writing in the form of a so-called “notification” (Bescheid). You will also receive a written notification if:

- your claim was rejected or only granted for a reduced amount,
- your benefits are reduced or completely stopped,
- you have wrongly received benefits and have to repay them.

If you do not agree with the decision made by your Jobcenter, you (or another person affected by the decision) can object to it within one month following receipt of the decision. The objection must be submitted to the Jobcenter making the decision, in writing or deposited in person to be recorded. The decision will then be checked again.

If the decision still remains unchanged, despite your objection, you will receive in writing the notice of objection (Widerspruchsbescheid), against which you may now initiate legal proceedings. For details on which court, within what deadline and in what form the legal proceedings are to be lodged, please refer to the information on legal remedies that you receive together with the notice of objection.

In the event of legal proceedings, your Jobcenter is obliged to make the documents in your case available to the Social Court in their entirety.

Medical and psychological reports will not be submitted to the court, only if you have expressly disagreed to their submission.

Both the objection and legal proceedings do not generally have any suspensive effect. This means that the legal consequences contained in the notice will initially immediately come into force.

These leaflets contain information for you on the services and allowances of your Agentur für Arbeit:

- Leaflet 1 – for unemployed persons
- Leaflet 3 – Placement services and allowances for employees
- Leaflet 6 – Supporting further vocational training
- Leaflet 8a – Short-time allowance for employers and workers' representative councils
- Leaflet 8b – Short-time allowance for employees
- Leaflet 8c – Transfer payments
- Leaflet 8d – Seasonal short-time allowance
- Leaflet 9 – Job creation schemes
- Leaflet 10 – Insolvency allowance
- Leaflet 11 – Career advisory services
- Leaflet 12 – Promoting participation in working life
- Leaflet 14 – Smooth transition into retirement – for employers and employees
- Leaflet 17 – Consideration of severance payments
- Leaflet 18 – Women and career
- Leaflet 19 – Salary protection for older employees
- Leaflet 20 – Unemployment allowance and employment abroad
- Leaflet SGB II – Placement supporting subsidies

Current information on services and allowances of the Agentur für Arbeit is also available on the **Internet** at:
www.arbeitsagentur.de

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