



# Citizen's Benefit in Berlin

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

With detailed information about

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

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**BALZ**  
BERLINER ARBEITSLSENZENTRUM

**Diakonie**   
Berlin-Brandenburg-  
schlesische Oberlausitz

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## Greeting



### Dear readers and those seeking advice,

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

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

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

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

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

Ms Cansel Kiziltepe

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

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## Editorial notes

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

## Foreword

### Dear readers,

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

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

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

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

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

The text was compiled to the best of our knowledge and with great care. Nevertheless, we cannot assume any liability for the correctness or completeness of the information. We welcome any comments, suggestions or criticism. If you would like to tell us something, please write to the office of the Berliner Arbeitslosenzentrum evangelischer Kirchenkreise e. V. (BALZ), Kirchstr. 4, 14163 Berlin or e-mail us at [info@berliner-arbeitslosenzentrum.de](mailto:info@berliner-arbeitslosenzentrum.de).

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

We wish you helpful reading

Dr. Kai Lindemann  
Managing Director of BALZ

# Contents

<b>List of abbreviations</b> .....	<b>10</b>
<b>Chapter 1   What is basic income support for jobseekers? What is citizen's benefit?</b> .....	<b>11</b>
1. The socio-cultural minimum subsistence .....	<b>11</b>
2. Three types of minimum income support .....	<b>11</b>
2.1 Citizen's benefit, basic income support for jobseekers .....	<b>11</b>
2.2 Social assistance .....	<b>12</b>
2.3 Asylum seeker benefits .....	<b>12</b>
3. Differences compared to unemployment benefit .....	<b>12</b>
4. The new citizen's benefit – the old criticism remains.....	<b>12</b>
<b>Chapter 2   The application – What should you pay attention to?</b> .....	<b>14</b>
1. Benefits are granted upon application .....	<b>14</b>
2. Where is your local Jobcenter? .....	<b>15</b>
3. You can be accompanied by an "advisor" .....	<b>16</b>
4. Translation and interpreting services.....	<b>16</b>
5. What rights do hearing- and speech-impaired persons have? .....	<b>17</b>
6. For how long will benefits to secure subsistence be granted? .....	<b>17</b>
7. How will the benefits be paid?.....	<b>17</b>
8. Can you get an advance on citizen's benefit? .....	<b>17</b>
<b>Chapter 3   Who gets benefits from basic income support for jobseekers?</b> .....	<b>18</b>
1. General preconditions .....	<b>18</b>
1.1 Age limits .....	<b>18</b>
1.2 Capability of working .....	<b>18</b>
1.3 Need of assistance .....	<b>19</b>
1.4 Habitual residence in Germany .....	<b>19</b>
2. Citizen's benefit for beneficiaries capable of working and not capable of working .....	<b>19</b>
3. Who does not receive Social Code II benefits? .....	<b>20</b>
4. Special requirements for foreigners .....	<b>22</b>
4.1 Exclusions from benefits and entitlement to benefits.....	<b>22</b>
4.2 Is the use of SGB II and SGB XII benefits detrimental to the right of residence? .....	<b>26</b>
5. Special requirements for trainees, schoolchildren and students .....	<b>27</b>
<b>Chapter 4   What is the difference between a community at need, a household-sharing community and a residential community?</b> .....	<b>29</b>
1. Community at need, including "consensual habitation (marriage-like community)" .....	<b>29</b>
2. Household-sharing community with relatives and in-laws .....	<b>31</b>
3. Residential community .....	<b>32</b>
<b>Chapter 5   Which needs are taken into account in the citizen's benefit?</b> .....	<b>32</b>
1. Standard need .....	<b>32</b>
2. Additional needs .....	<b>33</b>
2.1 Additional need for pregnant women .....	<b>33</b>
2.2 Additional need for single parents .....	<b>34</b>
2.3 Additional need for handicapped beneficiaries.....	<b>34</b>
2.4 Additional need for costly nutrition .....	<b>34</b>
2.5 Irrefutable special needs ("additional need in case of hardship") .....	<b>35</b>

2.6 Additional need for schoolbooks .....	36
2.7 Additional need in case of decentralized hot water generation .....	36
2.8 Additional need for beneficiaries not capable of working, classified G, aG .....	36
3. Needs for housing, heating and hot water (housing costs) .....	37
3.1 What belongs to housing costs? .....	37
3.2 What housing costs are considered “reasonable” in Berlin? .....	38
3.3 What happens if the individually appropriate accommodation and heating requirements are exceeded? .....	45
3.4 What applies when renting new housing?.....	48
3.5 What else is important when it comes to housing? .....	51
<b>Chapter 6   How are recipients of citizen’s benefit insured? .....</b>	<b>52</b>
<b>Chapter 7   What other expenses for living can be claimed?.....</b>	<b>54</b>
1. Education and participation (BuT) .....	54
1.1 Berlin Pass BuT (Berlin Passport for Education and Participation) .....	55
1.2 Services for education .....	55
1.3 Benefits for participation .....	56
2. One-off benefits .....	57
2.1 Initial equipment for the apartment .....	57
2.2 Initial items for clothing and during pregnancy and childbirth .....	57
2.3 Orthopaedic shoes and therapeutic equipment .....	58
2.4 Loans for irrefutable needs .....	58
<b>Chapter 8   Integration into work - What do you have to do?</b>	
<b>What does the Jobcenter do?.....</b>	<b>59</b>
1. What kind of work is reasonable? .....	59
2. What is a cooperation plan? .....	59
3. What benefits can the Jobcenter provide for starting work? .....	61
4. Who can receive continuing training bonuses and continuing training allowances?.....	62
5. What does the Jobcenter offer to foster German language skills? .....	63
<b>Chapter 9   How are incomes taken into account? .....</b>	<b>64</b>
1. Which incomes are taken into account and which are not? .....	64
2. How is income set off against the need?.....	65
2.1 Income from gainful employment .....	65
2.2 Income from self-employment.....	69
2.3 “Effortless” incomes .....	71
2.4 Retroactively paid income.....	73
<b>Chapter 10   How are assets taken into account? .....</b>	<b>74</b>
1. Which assets can be used?.....	74
2. What types of tax-exempt amounts for assets exist? .....	74
3. What happens if your assets exceed the limit of the tax exempt amount? .....	76
<b>Chapter 11   How are alimony and maintenance claims taken into account in alimony? ...</b>	<b>77</b>
<b>Chapter 12   When do you risk sanctions and to what extent do they apply?.....</b>	<b>78</b>
1. What are failures to report? .....	78
2. What are breaches of duty? .....	78
3. What are the sanctions for breaches of duty?.....	78
4. What are the sanctions for a “persistent refusal to take up work”? .....	79
5. What rules still apply in the case of sanctions? .....	80

<b>Chapter 13   What are your duties to cooperate? Do you have to take claim primary benefits?</b> .....	<b>81</b>
<b>Chapter 14   Can beneficiaries get annual leave?</b> .....	<b>82</b>
<b>Chapter 15   Supplementary child allowance - an alternative to citizen's benefit?</b> .....	<b>83</b>
<b>Chapter 16   What benefits do foreigners receive who are excluded from citizen's benefit?</b> .....	<b>86</b>
<b>Chapter 17   You do not agree with the decision or do not receive a decision? What can you do?</b> .....	<b>88</b>
1. Objection .....	<b>88</b>
2. Legal action .....	<b>89</b>
3. Missed the deadline for appeal? – Request for review.....	<b>89</b>
4. The Jobcenter does nothing? – Action for failure to act .....	<b>89</b>
5. When things have to go fast – emergency request .....	<b>89</b>
6. Government aid for lawyers' fees.....	<b>89</b>
7. Where do you apply for legal aid, where do you apply for help with court costs? .....	<b>90</b>
8. Ombuds services in the Jobcenters .....	<b>90</b>
<b>Chapter 18   Benefits for people with little money</b> .....	<b>91</b>
1. Visits to the doctor and medication .....	<b>91</b>
2. Exemption from public broadcasting service fees .....	<b>91</b>
3. Exemption from the personal contribution for the purchase of learning materials in schools ...	<b>91</b>
4. Subsidized ticket and more .....	<b>92</b>
<b>Chapter 19   Where can you find advice and support?</b> .....	<b>94</b>
1. Citizen's benefit counselling .....	<b>94</b>
2. Advice on your rights as a tenant .....	<b>94</b>
3. Debt counselling.....	<b>94</b>
4. Advice on pregnancy, maternity and family .....	<b>94</b>
5. Assistance in case of impending or existing homelessness .....	<b>95</b>
6. Migration counselling.....	<b>95</b>
7. Counselling for people without health insurance .....	<b>96</b>
8. Continuing education counselling.....	<b>96</b>
9. Energy counselling .....	<b>96</b>
10. Counselling for single parents .....	<b>97</b>



## List of Tables

<b>Table 1</b> Monthly standard need .....	<b>32</b>
<b>Table 2</b> Monthly deductions from standard needs due to the provision of benefits in kind in shared accommodation without self-catering facilities .....	<b>33</b>
<b>Table 3</b> Monthly additional need for pregnant women .....	<b>33</b>
<b>Table 4</b> Monthly additional need for single parents .....	<b>34</b>
<b>Table 5</b> Monthly additional need for disabled persons who are capable of working .....	<b>34</b>
<b>Table 6</b> Monthly additional need due to costly nutrition .....	<b>35</b>
<b>Table 7</b> Monthly additional need due to decentralized hot water preparation .....	<b>36</b>
<b>Table 8</b> Monthly additional need for beneficiaries not capable of working, classified "G" or "aG" .....	<b>37</b>
<b>Table 9</b> Reference values for monthly gross rent (excl. heating and utilities) .....	<b>40</b>
<b>Table 10</b> Reference values for the monthly gross rent (incl. hardship supplement) .....	<b>40</b>
<b>Table 11</b> Accommodation costs to be recognized in existing apartments (gross rent excl. heating and hot water) .....	<b>41</b>
<b>Table 12</b> Accommodation costs to be recognized in social housing in existing apartments (gross rent excl. heating and hot water) .....	<b>42</b>
<b>Table 13</b> Maximum rents under the Housing Subsidy Act including security supplement .....	<b>43</b>
<b>Table 14</b> Annual consumption values and heating costs for night storage heaters .....	<b>44</b>
<b>Table 15</b> Parents' share of housing costs when receiving KiZ (supplementary child allowance) .....	<b>84</b>

## Annex

<b>I.</b> Reference values and limit values for reasonable accommodation costs and reasonable heating requirements in Berlin according to AV-Wohnen .....	<b>98</b>
<b>II.</b> Sources and documents .....	<b>102</b>
<b>III.</b> Further information .....	<b>103</b>

## List of abbreviations

- Abs. (par. or para.) = paragraph
  - Alg II = Unemployment benefit II (as of 1 January 2023: citizen's benefit for beneficiaries capable of working)
  - Art. = Article
- AsylbLG = Asylum Seekers' Benefit Act
- AUB = Certificate of incapacity to work
- AufenthG = Residence Act
  - AV = Implementation orders
  - AVV = General administrative regulation
  - BA = Federal Employment Agency
  - BAB = Vocational Training Allowance
- BAföG = Federal Training Assistance Act (student loan)
  - BG = Community of needs
- BKGG = Federal Child Benefit Act
- BSG = Federal Social Court
- BuT = Education and participation
- BVerfG = Federal Constitutional Court
  - BVG = Berliner Verkehrsbetriebe (underground, tram, bus)
  - eAT = electronic residence permit with ID function
  - EFA = European Agreement on Social Welfare
  - EAO = Availability Ordinance of the Federal Employment Agency (Bundesagentur für Arbeit)
  - EC = European Community
- eID card = electronic identity proof
  - EKS = Income of self-employed (form)
- ErrV = Reachability Ordinance
- EStG = Income Tax Act
  - EU = European Union
  - ECJ = European Court of Justice
  - e.V. = registered association
  - EEA = European Economic Area (EU states plus Iceland, Liechtenstein, Norway)
- FreizügG/EU = Freedom of Movement Law /EU
  - GCR = Geneva Convention on Refugees
- GmbH = Limited liability company
- KfW = Kreditanstalt für Wiederaufbau
  - KiZ = Supplementary child allowance
- LSG = Regional Social Court
- nPA = new ID card with online ID function
- Nr. (No.) = Number
  - OZG = Online Access Act
  - PKH = Prozesskostenhilfe (Government aid for lawyers' fees)
  - SG = Social Court
  - SGB = Social Code
  - SGG = Social Court Act
- V or VO = Order (Regulation)
  - VAG = Insurance Supervision Act
  - VVG = Insurance Contract Act
  - e.g. = for example (exempli gratia)

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

## 1. The socio-cultural minimum subsistence

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

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

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

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

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

## 2. Three types of minimum income support

In Germany, a distinction is made between three types of statutory minimum income support, which are intended to secure the subsistence minimum. The introduction of a further minimum benefit, the basic child benefit, is envisaged after 2025.

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

The legal basis for basic income support for jobseekers is the Social Code (SGB II). It includes benefits to secure subsistence and benefits for integration into work. The benefits to secure subsistence include, among others, the citizen's benefit ([§§ 19 - 23 SGB II](#)), benefits for education and participation ([§§ 28 - 30 SGB II](#)), subsidies for health and long-term care insurance contributions ([§ 26 SGB II](#)), benefits for trainees ([§ 27 SGB II](#)) and initial equipment for housing, clothing and in the event of pregnancy and childbirth ([§ 24 para. 3 SGB II](#)).

The term „citizen's benefit“ has replaced the previous designations for the benefits „unemployment benefit II“ („Alg II“ or also known as „Hartz IV“) and „social benefit“ since 1 January 2023.

The Citizen's Benefit Act provides numerous material improvements for beneficiaries compared to the previous legal situation effective before 1 January 2023. However, this has not silenced criticism of the basic income support for jobseekers (more on this in this Chapter in section 4 „The new citizen's benefit - the old criticism remains“).

In order to claim citizen's benefit, applicants must be in particular need of help and *capable of gainful employment*. And many persons who are not capable of gainful employment, for example children under the age of 15, may receive citizen's benefit if they live together with at least one person who is capable of gainful employment and who is entitled to benefits. For more details, see Chapter 3, Section 2 „Citizen's benefit for beneficiaries capable of work and not capable of work“.

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

## Good to know:

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

### 2.2 Social assistance

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

### 2.3 Asylum seeker benefits

Asylum seekers, tolerated foreigners and foreigners who are obliged to leave the country and some other foreigners receive benefits in accordance with the Asylum Seekers Benefits Act if they are in need.

The benefits for asylum seekers in the first 36 months of residence in Germany are generally lower than the benefits for subsistence/livelihood according to the SGB II and SGB XII (Social Code II and XII). After a stay of more than 36 months, there is usually an entitlement to so-called analogue benefits. These are benefits that correspond in type and amount to those of social assistance ([§ 2 Abs. 1 AsylbLG](#)).

Persons entitled to benefits under the Asylum Seekers Benefits Act who have already received analogue benefits after 18 months under the old regulations enjoy grandfathering ([§ 20 AsylbLG](#)).

According to an agreement between the federal and state governments, at least a portion of asylum seeker benefits will in future be issued as non-cash credit on so-called payment cards. The payment card is expected to be introduced in the course of this year. ([Tagesspiegel of 31 Januar 2024](#); critical about introducing the payment card: [ProAsyl of 2 Februar 2024](#)).

## 3. Differences compared to unemployment benefit

Citizen’s benefit differs significantly from unemployment benefit. The unemployment benefit according to SGB III is not a means-tested minimum benefit, but a wage/salary replacement benefit from unemployment insurance.

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

## Our advice:

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

## 4. The new citizen’s benefit – the old criticism remains

Whether basic benefits for jobseekers actually and adequately protect the dignity of people in need of assistance is controversial.

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

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

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

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

The significant increases of the standard rates as of 1 January 2023 and as of 1 January 2024 are welcomed by the social associations. However, in view of the rapidly rising prices, especially for energy and food, this increase, according to the Paritätische, does not represent an improvement in the standard of living, but merely an adjustment to the increased cost of living over the past years. (see press release of Paritätische of 4 December 2023; as well as Irene Becker in the press release of Diakonie of 24 October 2023). In fact, the standard needs of the basic income support would have to be increased to a much greater extent in order to secure the socio-cultural minimum subsistence level. The Paritätische is currently calling for an increase in the standard need for single persons to 813 euro per month (see press release of Paritätische of 29 August 2023; standard needs 2024; Updating the Paritätische standard need claim - brief expertise).

In the current political debate, reference is often made to the so-called wage gap principle: Gainful employment is not worthwhile or not worthwhile enough because the basic security benefits are too high.

Since the ruling of the Federal Constitutional Court on 9 February 2010, the prevailing view is that the wage gap requirement is no longer legally tenable as a yardstick for determining the minimum subsistence level (Wissenschaftliche Dienste des Bundestags, Zur Entwicklung des Lohnab-

standsgebots, WD 6 - 3000 - 049/23, page 6). At the time, the Federal Constitutional Court stated, among other things: „The development of gross wages ... cannot provide any information about the changes in the need to cover the minimum subsistence level“ (BVerfG ruling of 9 February 2010, marginal number 184). The significance of this ruling becomes particularly clear in times of high inflation and comparatively low wage settlements.

In addition, the current legal regulations always ensure that those in employment have more money available than those not in employment. This is because even low-income earners are entitled to supplementary social benefits, such as housing benefit or child supplement, and part of their earned income is not set off against state benefits such as the citizen's benefit (see also Paritätische Fachinfo of 14 September 2023).

The welfare organisations are also critical of the **sanctions for those entitled to benefits**. Diakonie welcomes the fact that „the previous rigid sanction regulations have at least been softened and more individualised decisions are now possible“. On the other hand, however, the contradiction remains that „reductions“ interfere with the minimum sub-sistence level and exacerbate the deprivation of those entitled to benefits. Diakonie Deutschland therefore fundamentally rejects sanctions on basic subsistence benefits (Diakonie statement, page 12).

For Paritätischer, the tightening of sanctions by the Second Budget Financing Act since the end of March 2024 represents a „roll backwards“ (for more details, see Chapter 13 of this practical guide) Following the ruling by the Federal Constitutional Court on 9 November 2019 (1 BvL 7/16), which prohibited the complete withdrawal of benefits in particular, the complete withdrawal of standard benefits is now to be permitted again. The Paritätische describes this as a step backwards to the times of „Hartz IV“ and „doubts that this measure is in line with the spirit and specific requirements of the Federal Constitutional Court in 2019“ (Paritätische Fachinfo of 12 January 2024).

It goes on to state: „(T)he cancellation of standard benefits for food, electricity and necessary medication not covered by health insurance“ would drive people „who generally have no reserves at all... are driven into hardship and over-indebtedness“ (letter from Paritätischer dated 10 January 2024 to the parliamentary groups of Bündnis 90/ Die Grünen, FDP and SPD).

Diakonie Deutschland also criticises the 100 per cent sanctioning of the standard benefit. It raises constitutional concerns and states, among other things, that „sanctions ... primarily affect people with mental illnesses, reading difficulties, lack of language skills, personal crises or addictions. Diakonie Deutschland knows from the practice of its counselling that sanctions exacerbate the situation of those affected and do not contribute to solving their individual problems“ (brief assessment by Diakonie Deutschland on the draft ... of a Second Budget Financing Act 2024 of 8 January 2024, page 2).

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

### 1. Benefits are granted upon application

Basic income support benefits for jobseekers are granted on application (§ 37 Para. 1 SGB II). The application is **not** bound to **any particular form**. It can be submitted in person, by telephone, in writing, by e-mail or online. The crucial point is that the burden of proof for receipt of the application lies with the applicant.

You can prove **receipt of your application** by having an employee of the Jobcenter confirm receipt of your application on site with a date and stamp on a copy. In the directive 201806011 of 20 June 2018, the Federal Employment Agency recommended that Jobcenters issue a confirmation of receipt if the beneficiary expressly requests this. In the meantime, however, personal submission with confirmation of receipt is unfortunately only possible in rare cases in the Berlin Jobcenters.

You should always have verbal or telephone applications confirmed in writing. This way you can later prove that you made an application and when you made it.

You can submit an application by email if the Jobcenter has opened up access for communication by email (§ 36a (1) SGB II). The Federal Social Court assumes this to be the case if the authority has published an email address on its website as a contact option that does not exclude applications for benefits (BSG of 11 July 2019 - B 14 AS 51/18 R, margin no. 16f.).

If you have sent your application by simple email, the printout of your email with the correct email address of the Jobcenter only provides proof that the application was sent. In the aforementioned BSG decision, the confirmation of transmission was exceptionally recognised as sufficient because the Jobcenter had not checked the receipt of the email within the deletion period in breach of its duty (ibid., paragraph 32).

To apply for citizen's benefit online, go to the relevant pages of the Federal Employment Agency's internet platform „www.jobcenter.digital“ for initial applications and for applications for continued entitlement. You will need a user account to use the online service. After logging in or registering, you can start the application process. After submitting your application, you will receive a message on the screen that your application has been successfully submitted and is now being processed.

If you would like to submit the application in writing, you should use the provided application forms and the instructions for completing the application (in several languages) from the Federal Employment Agency in the Download Center. As a rule, in addition to the (Main) application for citizen's benefit according to SGB II (HA) further information in various forms in diverse attachments are required. You can find out which attachments you need in the application form. When sending the application by post, we recommend registered mail with return receipt – because in case of

doubts, it is not sufficient to send it by simple letter post. The postal address of your Jobcenter can be found via the [office search](#) on the homepage of the Federal Employment Agency.

According to a decision by the Federal Social Court, an effective application can also be made by fax. The „OK“ note on the transmission protocol is deemed to be confirmation that a connection has been established to the Jobcenter's fax machine and that the application has been saved there (BSG of 20 October 2009 - [B 5 R 84/09 B](#), margin no. 10 et seq.). We recommend that you also send the application by post.

### Our advice:

Do not allow yourself to be rejected when submitting your application if the staff at the Jobcenter are of the opinion that you are not entitled to citizen's benefit. The Jobcenter are obliged to accept your application. Always make a copy of applications that you submit to the Jobcenter for yourself. If you need to submit additional documents, do not submit originals, only copies, as the submitted documents will be destroyed once they have been digitized.

### Good to know:

If you need help filling in the citizen's benefit application form or if you have questions about individual points of your application, you can contact a [social counselling centre](#) in your area.

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

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

Legally speaking, each person in the community at need has an *individual* claim to the benefit. The

first page of the approval notice shows the entitlement of all the persons in the community at need combined and the entitlement of each individual person.

### Good to know:

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

As a general rule, an application for subsistence benefits shall have retroactive effect from the first day of the calendar month in which the application is filed ([Section 37 \(2\) SGB II](#)). This means that income received at the beginning of the application month is also included in the calculation of benefits.

### Our advice:

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

### Please note:

Some benefits, such as the initial provision of housing, the initial provision for pregnancy and childbirth and loans in the event of an irrefutable one-off need (see Chapter 7 section 2 - One-off benefits) are not covered by the citizen's benefit application. To get benefits for these needs, a separate application must be submitted.

## 2. Where is your local Jobcenter?

The Jobcenter in the Berlin district in which you have your usual residence ([§ 36 \(1\) SGB II](#)) is responsible for granting basic income support to jobseekers. This is usually the district in which you have your residence. The residence is proven in particular by identity card or registration confirmation.

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

For homeless persons who have their habitual residence in Berlin, the last registration under the registration law in a Berlin apartment is considered „residence“. Homeless persons without a registration entry in Berlin or with the entry of a Berlin registration address that does not establish responsibility according to the implementation regulations are generally assigned to one of the twelve Berlin Jobcenters according to their month of birth (see Table in [Section III, Number 2 of the AV Zuständigkeit Soziales](#)).

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

### Persons with residence requirements

For persons granted asylum, subsidiary protection or a residence permit for humanitarian reasons who received their residence permit after January 1, 2016, a residence requirement applies for a period of three years from the recognition or granting of the residence permit. They will then only receive benefits from a Jobcenter in the federal state where they were assigned to complete the asylum procedure. This can also be a specific Jobcenter if the residence requirement relates to a specific place of residence. Likewise, the responsibility of Jobcenters in a certain area may be excluded if persons entitled to benefits have received a requirement not to take up residence in that place ([Section 36 \(2\) SGB II](#) in conjunction with [Section 12a \(1\) to \(4\) AufenthG](#)). Which regulation exists can mostly be seen from the recognition and residence documents.

Exceptions to residence assignment apply if, for example, if applicants take up or have taken up vocational training or employment subject to social insurance contributions of at least 15 hours per week for a period of at least three months to a financial extent defined by law. Further exceptions exist, for example, when starting or carrying out an integration course ([§ 43 AufenthG](#)) or job-related German language course ([§ 45a AufenthG](#)) or

a subsidized further vocational training ([§§ 81 and 82 SGB III](#)), provided that the course or measure cannot be carried out or continued at the place of residence assignment without delay.

### 3. You can be accompanied by an "advisor"

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

### 4. Translation and interpreting services

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

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

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



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

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

## 6. For how long will benefits to secure subsistence be granted?

As a rule, benefits to secure subsistence are granted for twelve months. In deviation from this, the approval period is six months if benefits are only temporarily applied for, e.g. for employees with fluctuating incomes and self-employed persons. They will then first receive a provisional decision (§ 41 Abs. 3 SGB II). If the grant period ends, you must submit an application in due time for further approval in order to continue receiving benefits.

### Our advice:

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

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

## 7. How will the benefits be paid?

As a rule, benefits to cover your living expenses are transferred to the account you have specified in advance at the beginning of the month. If you are not the account holder, the Jobcenter can check whether you actually receive the benefits paid out (§ 17 Abs. 1 Nr. 1 SGB I).

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

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

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

Advances of up to 100 euro can be granted on benefits already granted. They are deducted from the entitlement to benefits in the next month (§ 42 Abs. 2 SGB II).

Instead of paying out cash at the Jobcenters, the authorities often use a different procedure. You receive a voucher which you can redeem at the cash desk of a participating supermarket (for example Rewe, Real, Penny, dm and Rossmann). Or you receive a cheque which you can deposit at a post office. Redeeming the cheque is free of charge for you. The voucher does not contain any personal information about you or any data or logo of the Jobcenter, nor does it oblige you to buy goods. Cash payments are limited to a maximum amount of 990 euro.

## Chapter 3 | Who gets benefits from basic income support for jobseekers?

### 1. General preconditions

Whether or not you receive basic income support for jobseekers depends on four conditions: Age, earning capacity, need for help and habitual residence in Germany (§ 7 Abs. 1 Satz 1 SGB II). Persons who do not meet the earning capacity requirements, such as children under 15, can also be entitled to benefits (see in this Chapter in section 2 – Citizen's benefit for beneficiaries capable of working and not capable of working).

You can find out which groups of persons are excluded from basic income support for jobseekers or only receive restricted benefits in sections 3 and 4.1 and 5 of this Chapter.

#### 1.1 Age limits

Benefits from basic income support for jobseekers are paid to persons from their 15th birthday until the end of the calendar month in which they reach the age limit for the statutory standard old-age pension (§ 7 Abs. 1 Satz 1 Nr. 1 SGB II). The age limit of 65 years increases - as in pension law - gradually from the 1947 birth year by one month per calendar year and from the 1959 birth year by two months per calendar year up to 67 years (born 1964) (§ 7a SGB II).

**Example:** *Mr S., who is in need of help, was born on 10 July 1958. He reaches his age limit of 66 years on 10 July 2024. Consequently, he is entitled to basic income support benefits for jobseekers until 31 July 2024.*

### Please note:

Until the end of 2022, the Jobcenter could require you to apply for an old-age pension before reaching the standard retirement age, but no earlier than your 63rd birthday, if you meet the requirements for this. For the period from 1 January 2023 to 31 December 2026, the obligation to apply for and claim an early retirement pension will be suspended (Section 12a Satz 3 SGB II). The Jobcenter is then also not authorized to apply for an old-age pension in your place (Section 65 (2) SGB II).

### 1.2 Capability of working

A person is considered capable of working if he/she is currently or in the next six months in a fit state to work at least three hours a day under the usual conditions of the general labour market (§ 8 Abs. 1 SGB II).

If there is any doubt about your ability to work, the Jobcenter may ask you to have yourself examined by the medical service of the employment agency or by an official doctor. If necessary, you may then be asked to apply for a reduced earning capacity pension (more on this in Chapter 13 „What are your obligations to cooperate? Do you have to claim priority benefits?“).

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

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

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

### 1.3 Need of assistance

Those in need of assistance are those who cannot earn their living for themselves and the members of their community at need from their own income or assets and who do not receive assistance from others (§ 9 Abs. 1 SGB II). You can find out more about the imputation of income and assets in Chapters 9 and 10.

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

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

### 1.4 Habitual residence in Germany

Only those who have their habitual residence in Germany receive benefits (§ 7 Abs. 1 Satz 1 Nr. 4 SGB II).

The „habitual residence“ is usually established by an actually used dwelling (residence). Even persons without an apartment can have a habitual residence if it is clear from the circumstances that they are not only staying temporarily in Germany (§ 30 Abs. 3 SGB I). Important: As a rule, beneficiaries with earning capacity must also be available for the Jobcenter (see this Chapter in section 3 - Who does not receive SGBII benefits?).

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

## 2. Citizen's benefit for beneficiaries capable of working and not capable of working

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

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

- all children under 15 years of age in the household of their parents who are capable of working,
- children under 18 years of age who have *permanently* a reduced earning capacity and live in a household with at least one parent who is capable of working,
- recipients of pensions for full reduction in earning capacity for *a limited period* who live with their employable partners, and
- Parents who receive a pension for full reduction in earning capacity for *a limited period* and live with their employable children aged 15 to 24.

If you are *permanently* incapacitated and at least 18 years of age, you are primarily entitled to benefits from basic income support in old age and in case of reduced earning capacity according to 4. Kapitel des SGB XII (social assistance) (§ 5 Abs. 2 Satz 2 SGB II). If benefits under Chapter 4 of the Social Code XII are not granted because of income or assets that have to be taken into account, you may be entitled to citizen's benefits for beneficiaries not capable of working on a subordinate basis - provided that a person capable of working lives in their community of need and there is an unmet need under Social Code II (BSG of 28 November 2018 – B 4 AS 46/17 R).

## Please note:

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

### 3. Who does not receive Social Code II benefits?

Excluded from the benefits of basic income support for jobseekers are – even if they meet the general requirements to receive benefits – in particular

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

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

## Good to know:

The first payment amount of the early retirement pension is set off against the citizen’s benefit. There is a reduced citizen’s benefit at the beginning of the month. In order to close the pension gap by the end of the month, you can apply for a bridging loan (§ 24 Abs. 4 SGB II) for the month of the first pension payment at the Jobcenter.

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

- **Persons who are accommodated in inpatient facilities such as hospitals, rehabilitation clinics or nursing homes for the elderly from the first day of their stay** (§ 7 Abs. 4 SGB II). Deviating from this, these persons will continue to receive benefits if they
  - are expected to spend less than six months in a hospital (§ 107 SGB V) or a medical rehabilitation facility, or
  - work on the general labour market for at least 15 hours a week.

- **Persons in an institution for the execution of judicially ordered deprivation of liberty** (e.g. imprisonment, pre-trial detention) from the first day of deprivation of liberty (§ 7 Abs. 4 Satz 2 SGB II). This also includes so-called day-release prisoners.

The following do not receive benefits to secure their livelihood

- **Injured parties and their surviving dependants** who have been awarded benefits for subsistence in accordance with § 93 des Sozialen Entschädigungsrechts (SGB XIV).

### Lack of reachability

Beneficiaries who are capable of working only receive benefits if they can be contacted by the Jobcenter responsible (§ 7b SGB II; Erreichbarkeits-Verordnung - ErrV) (Reachability Ordinance).

The purpose of the reachability regulations is to ensure that priority is given to placement in work and vocational measures. As a person capable of working and entitled to benefits, you should generally be able to respond quickly to job offers and invitations from the Jobcenter. You will therefore only receive citizen’s benefit if you

- are in the immediate vicinity of your Jobcenter *and*
- can take note of the Jobcenter’s notifications and requests on any working day (Monday to Saturday, excluding public holidays).

The obligation to be reachable in accordance with (§ 7b SGB II) does not apply from the outset to persons who are not able to work, including children under the age of 15.

The **immediate vicinity of the Jobcenter** includes all places from which you can usually reach your responsible office within two and a half hours, for example by public transport or a car, if you have one available.

Exceptions to staying in the vicinity of the Jobcenter are possible if there is *good cause* to leave the immediate area of the Jobcenter and the Jobcenter has consented to this. If there is good cause, the Jobcentre must agree to your absence, provided that you have indicated how the Jobcenter can contact you during your absence, for example by telephone, e-mail or a (different) postal address.

Important reasons are, *for example*

- participation in a medically prescribed cure or medical rehabilitation programme,
- carrying out voluntary work if this does not significantly affect your placement in work or training,
- stays away from home for the purpose of taking up work or training, for travelling to job interviews,
- support for relatives within the meaning of [§16 \(5\) SGB X](#) in connection with the birth, need for care or death of a relative for a period of up to 12 weeks per calendar year if the support is necessary and the placement in work or training is not significantly impaired as a result.

## Please note:

You must always apply for permission to be absent before leaving the immediate vicinity of the Jobcenter. Only exceptional cases give you the option to apply for approval retrospectively if it was not possible to submit the application before leaving the immediate area and you obtain approval as soon as this is possible. You then bear the risk that the Jobcenter will not approve the subsequent application and that you will not be entitled to any benefits during the period of unauthorised absence.

Jobcenters can also grant permission to be absent *without good cause* if this does not significantly impair integration into work or training (see Chapter 14 “Can people entitled to benefits be granted leave?”).

If you are temporarily unavailable for work or training, for example because you are on maternity or parental leave or are a pupil, you only need to notify the Jobcenter of your absence. Your request for approval is then automatically deemed to be approval of the absence.

You do not need the Jobcenter’s consent to leave the immediate area of the Jobcenter if

- you leave the immediate area of the Jobcenter on a Saturday, Sunday or public holiday if it is ensured that you can take note of notifications from the Jobcenter before the next working day;
- you have to leave the immediate vicinity of the Jobcenter due to employment subject to social security contributions or more than marginal self-employment *and* have *previously* notified your Jobcenter that your gainful employment requires occasional periods of absence.

## Taking note of notifications and requests

does not (or no longer) require you to personally empty your letterbox every working day, but also includes the option of authorising third parties to view the letter post if it is ensured that the relevant information will be forwarded to you on the same day. You can also use digital means of communication instead of letter post, for example via the Federal Employment Agency’s “jobcenter.digital” portal, if this has been agreed with the Jobcenter.

## Good to know:

If you are homeless, it is sufficient for you to visit your responsible Jobcenter in person once a month and let them know how you can be contacted in the meantime. According to the Federal Employment Agency, possible ways of making contact include: a mobile or landline number (also from third parties), a postal address of acquaintances or friends with whom you occasionally stay, or an address at a counselling centre for homeless people.

If people who are capable of work and entitled to benefits are temporarily unavailable without the consent of the Jobcenter, this can lead to the loss of their entitlement to benefits. Whether this also applies to people who are capable of work but who cannot reasonably be expected to work or train temporarily, for example because they are on maternity leave or have to look after a child under the age of three ([§ 10 Abs. 1 Nr. 3 SGB II](#)), has been left open both in Social Code II and in the Reachability Ordinance.

## Our advice:

Do not take the obligation to be available lightly. If the Jobcenter finds out about an unauthorised absence, you must expect to have to repay the Citizen’s benefit for the period of unauthorised absence. This also applies to the health and long-term care insurance contributions paid by the Jobcenter if the citizen’s benefit is reclaimed in full for at least one whole calendar month and there was no other health insurance relationship during the reimbursement period, for example due to employment subject to compulsory insurance ([§ 40 Abs. 2 Nr. 5 SGB II](#) in conjunction with [§ 335 Abs. 1, 2 und 5 SGB III](#)). Despite reclaiming and repaying the citizen’s benefit, the health insurance relationship established for the duration of the receipt of citizen’s benefit in accordance with [§ 19 Abs. 1 Satz 1 SGB II](#) remains in place ([§ 5 Abs. 1 Nummer 2a SGB V](#)).

## 4. Special requirements for foreigners

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

### 4.1 Exclusions from benefits and entitlement to benefits

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

- a) foreigners and members of their families during the first three months after entry. The exclusion does, for instance, not apply to employed Union citizens and foreigners with a right of residence for international, humanitarian or political reasons ([Kapitel 2 Abschnitt 5 AufenthG](#)) (Residence Act) including their family members as well as family members of German nationals.
- b) foreigners who are entitled to benefit in accordance with the Asylum Seekers Benefits Act. According to [§ 1 AsylbLG](#) (Asylum Seekers Benefits Act), these are primarily asylum seekers who have not yet been recognized, tolerated persons and persons who are subject to an enforceable obligation to leave the country, persons with a residence permit in accordance with [§ 23 \(1\)](#) (temporary admission due to a war in the home country) or [25 Abs. 4 Satz 1 AufenthG](#), and the spouses, partners and minor children of all these persons.

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

- c) who do not have a right of residence;
- d) foreigners whose right of residence is derived solely from the purpose of job search. The right to seek employment applies to Union citizens regularly for six months after entry and beyond if they continue to seek employment and there are reasonable prospects of employment;
- e) whose **residence rights** are based **solely on the right to seek training and university placement or on the so-called opportunity card (Chancenkarte)**. The opportunity card, which is based on a points system, is intended to enable foreign skilled workers from third countries to seek gainful employment or measures for the recognition of foreign professional qualifications for a limited period of time. The exclusions under letter e) will

only come into force with the introduction of the opportunity card from 1 June 2024.

The benefit exclusions under c) and d) are aimed in particular at EU citizens. According to the intention of the legislator, EU citizens without a (substantive) right of residence or with a right of residence solely for the purpose of seeking work should only be entitled to benefits after an uninterrupted *habitual* residence of five years in Germany - but only if the immigration authority has not determined the loss of the right to freedom of movement for EU citizens in the meantime ([§ 7 Abs. 1 Satz 4 SGB II](#)).

The five-year period begins with the registration of residence in Germany. Short-term interruptions of habitual residence, such as short visits home, are harmless ([Bundestag printed paper 18/10211](#), page 14). It is disputed whether a continuous registration of residence for five years is required if a habitual residence can be credibly established elsewhere (in this sense, for example, LSG Berlin-Brandenburg of 21 October 2021 - [L 19 AS 929/21 B ER](#)). The highest German social court recently ruled that the entitlement to SGB II benefits is not dependent on continuous registration of residence in the event of uninterrupted habitual residence (BSG of 20 September 2023 - [B 4 AS 8/22 R](#)).

Prior to the expiry of five years, entitlement to benefits can only be asserted if there is a right of residence or freedom of movement other than “for the purpose of seeking employment or – from 1 June 2024 – seeking a training or university placement or on the basis of the opportunity card.

Due to the different legal status of residence rights, a distinction must be made between nationals from the member states of the European Union (EU citizens or EU nationals), British nationals with residence rights under the Withdrawal Agreement (“former British nationals”) and third-country nationals.

### Nationals from member countries of the European Union

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

stein and Norway (§ 12 FreizügG/EU) as well as to citizens of Switzerland.

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

- **A freedom of movement right as an employee or self-employed person in Germany** (§ 2 Abs. 2 Nr. 1 und 2 FreizügG/EU)

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

Activities that are so small in scope that they are completely subordinate and insignificant shall be disregarded. What is considered “subordinate” and “insignificant” is legally controversial. The European Court of Justice (EuGH) has already allowed an occupation of 5.5 hours per week and a monthly income of 175 euro to suffice for employee status. It depends however always on all circumstances of the contractual relationship, for example, the amount of remuneration, the duration of working hours and employment and whether remuneration continues to be paid during vacation or illness (AVV zum FreizügG/EU, Art. 1 Nr. 2.2.1)

In principle, the Federal Employment Agency affirms the employee status if the employment is regularly performed for at least eight hours per week (SGB II knowledge database, Leistungsausschluss von Ausländern – Ausübung einer geringfügigen Beschäftigung) (article: Exclusion of foreigners from benefits – pursuing a marginal employment).

- **A freedom of movement right as a trainee in an in-company training scheme** (§ 2 Abs. 2 Nr. 1 FreizügG/EU) (Freedom of Movement Act).
- **A right to freedom of movement on the basis that the previous gainful employment status is retained even though the person is no longer actually in gainful employment.**

The gainful employment status and thus the right to freedom of movement continue to apply indefinitely if, after at least one year of employment or self-employment in Germany, the employment was lost involuntarily or the self-employment had to be given up in-

voluntarily and the competent employment agency confirms that the unemployment was involuntary (§ 2 Abs. (3) FreizügG/EU; BSG of 9. March 2022 – B 7/14 AS 79/20 R).

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

After the involuntary loss of employment of less than one year and involuntary unemployment confirmed by the Federal Employment Agency, there is a right to freedom of movement and entitlement to basic security benefits for jobseekers for a maximum of six months after the end of employment.

EU citizens are also entitled to freedom of movement during the period in which they are temporarily unable to work due to illness, accident or pregnancy. The same applies to employees during parental leave if the employment relationship continues and only the employment relationship is temporarily suspended (BSG of 9 March 2022 – B 7/14 AS 91/20 R).

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

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

Family members according to § 3 FreizügG/EU include in particular

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

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

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

- **a right of permanent residence after usually five years of legal residence in Germany**, in which a reason for freedom of movement has been consistently established according to the freedom of movement rules (§ 4a FreizügG/EU).

An already obtained right of permanent residence is retained even if Union citizens lose their status as gainfully employed persons.

Family members from third countries have a right of permanent residence if they have been residing lawfully in Germany with the Union citizen for five years.

- **A fictitious right of residence under the Residence Act** (§ 11 Abs. 14 Satz 1 FreizügG/EU)

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

**Example:** *An unmarried, non-employed EU citizen has a right of residence, if he/she has custody for a minor German child under Section 28 (1) sentence 1 no. 3 Residence Act.*

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

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

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

### British citizens

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

The residence rights under the Withdrawal Agreement are effective by law. In order to prove that the rights apply to them, "old Britons" require a special residence document in the meaning of article 18, par. 4 of the Withdrawal Agreement (residence document UK) from the Foreigners' Registration Office (§ 16 Abs. 1 FreizügG/EU).

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



### Third-country nationals

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

Excluded from SGB II benefits are third-country nationals whose residence permit was *solely* granted for the purpose of seeking employment, for example in accordance with [§ 16g Abs. 5 Satz 2](#) (effective 1 March 2024) or [§ 20 AufenthG](#). From 1 June 2024, the exclusion also covers third-country nationals who are only staying in Germany for the purpose of seeking training and university placement ([§ 16g \(5\) Satz 1](#) or [§ 17 AufenthG](#)) or who are entitled to stay as holders of an opportunity card ([§ 20a AufenthG](#) in the version applicable from 1 June 2024).

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

- **Foreigners with a right of residence for international law, humanitarian or political reasons** ([Kapitel 2 Abschnitt 5 AufenthG](#)), such as persons entitled to asylum, refugees under the Geneva Refugee Convention (GRC) and persons entitled to subsidiary protection from the month following their recognition ([§ 25 Abs. 1 und 2 AufenthG](#)), persons entitled to stay pursuant to [§ 23 Abs. 1 AufenthG](#) or victims of a criminal offence ([§ 25 Abs. 4a und 4b AufenthG](#)). However, foreigners who are entitled to benefits under the Asylum Seekers Benefits Act in accordance with [§ 1 AsylbLG](#), for example, foreigners who were admitted to Germany with the addition “due to the war in their home country” in their residence documents ([§ 23 Abs. 1 AufenthG](#)), are excluded.

Since 1 June 2022, third-country nationals with a residence permit in accordance with [§ 24 Abs. 1 AufenthG](#), for example persons who have fled Ukraine because of the war or who can no longer return there, have also been receiving benefits under SGB II. This already applies if they have *applied for* a right of residence under Section 24 of the Residence Act and have received a so-called fictitious certificate ([§ 81 Abs. 5 AufenthG](#)) from the foreigners authority, which certifies that their stay is considered permitted or will continue

until the decision of the foreigners authority ([§ 74 Abs. 1 und 2 SGB II](#)). Exclusion from benefits in the first three months of residence in Germany or due to a lack of permission to work does not apply in these cases. However, another prerequisite is usually that these persons – as it is called in officialese – have been “treated for identification purposes” ([§ 49 AufenthG](#)) or their identity has been established beyond doubt.

- **Foreigners with a right of residence for family reasons** ([Kapitel 2 Abschnitt 6 AufenthG](#)), such as spouses, registered civil partners or minor children of Germans or parents of a German child ([§ 28 AufenthG](#)) as well as family members of asylum seekers, GRC refugees or beneficiaries of subsidiary protection who come to Germany with a visa for family reunification ([§ 30 AufenthG](#)). The children born in Germany of the refugees mentioned above are also entitled to SGB II ([§ 33 AufenthG](#); SGB II knowledge database, ([§ 33 AufenthG](#); SGB II-Wissensdatenbank, [Eintrag „Asylberechtigte/Flüchtlinge – in Deutschland geborene Kinder“](#)) (entry “persons entitled to asylum/ refugees – children born in Germany).
- Turkish workers and their family members who have a right of residence under [Beschluss Nr. 1/80 des Assoziationsrats EWG/Türkei](#) (Decision No 1/80 of the EEC-Turkey Association Council). The right of residence must be proven by means of a residence permit in accordance with [§ 4 Abs. 2 AufenthG](#).

### Our advice:

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

## Good to know:

Foreigners who are excluded from SGBII benefits and to whom the European Convention on Social Assistance applies may be entitled to social assistance under [3. Kapitel des SGB XII](#). Otherwise, according to the legislator's intention, there is usually only a right to bridging benefits [§ 23 Abs. 3 Satz 3 bis 6 SGB XII](#) (see Chapter 16 – What benefits do foreigners receive who are excluded from SGB II benefits?).

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

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

- without a right of residence,
- with a right of residence solely for the purpose of seeking employment or
- after five years of *habitual* (not necessarily lawful) residence

apply for or receive citizen's benefit according to SGB II or social assistance according to SGB XII for themselves and their family members.

The reporting obligation does also apply

- if bridging benefits are claimed in accordance with SGB XII ([§ 87 Abs. 2 Satz 1 Nr. 2a AufenthG](#)) (more information in Chapter 16 of this practical guide) or
- third-country nationals with a residence permit for the purpose of education ([Chapter 2 Part 3 AufenthG](#)) or for the purpose of gainful employment ([Chapter 2 Part 4 AufenthG](#)) can apply for SGB II or SGB XII benefits for themselves or their family members ([§ 87 Abs. 2 Satz 3 AufenthG](#)).

The authorities' reporting obligations primarily concern third-country nationals. In the case of EU citizens, the notification to the Foreigners' Registration Office may only be made if the application for benefits or the receipt of benefits are "relevant to the decision" for the continuation of a right to freedom of movement ([§ 11 Abs. 7 FreizügG/EU](#)). However, this does not apply to EU citizens with a right to freedom of movement for the purpose of seeking work, as their right of residence exists independently of securing a livelihood.

- **In the case of Union citizens**, the Foreigners' Registration Office *may* use the application for or receipt of the aforementioned social benefits as an opportunity to check the enti-

tlement to free movement. The authority can then formally determine the loss of the right to freedom of movement if there is no longer a reason for freedom of movement under Union law [§ 5 Abs. 4 FreizügG/EU](#)). This applies, for example, to persons whose residence was previously based solely on the right to a six-month job search, after which there is no longer any prospect of a successful job search, or who are actually not looking for work [§ 2 Abs. 2 Nr. 2a FreizügG/EU](#)). An examination of the individual case is always necessary.

## Our advice:

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

A determination of entitlement loss and deportation solely on the basis of receiving citizen's benefit is not possible, for example, for employees, self-employed persons, jobseekers (at least for the duration of six months) and persons with a right of residence under [Art. 10 VO \(EU\) 492/2011](#) (Art. 10 Regulation (EC) 492/2011). It is therefore excluded after a five-year legal residency (right of permanent residence acc. to [§ 4a FreizügG/EU](#)).

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

In the case of stays for the purpose of education or employment, the premature termination of education or employment and the claiming of basic security benefits *can* lead to a subsequent shortening ([§ 7 Abs. 2 Satz 2 AufenthG](#)) or a revocation ([§ 52 Abs. 2a bis 4 AufenthG](#)) of the residence permit.

Claiming citizen's benefit does not automatically mean that third-country nationals will

suffer negative consequences for their right of residence. The Foreigners' Registration Office must always take a verification on a case-by-case basis.

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

- for foreigners who are married to Germans, or for minor foreign children of Germans, or for foreign parents who take care of their minor German child (§ 28 Abs. 1 Satz 1 Nr. 3 AufenthG), as well as
- for foreigners who possess or can claim a residence title as refugees pursuant to §§ 24, 25 Abs. 1 und 2 AufenthG or on the basis of a deportation prohibition pursuant to § 25 Abs. 3 AufenthG or as victims of criminal offences pursuant to § 25 Abs. 4a und 4b AufenthG; (§ 5 Abs. 3 AufenthG). The same also applies to long-term tolerated persons with a residence permit pursuant to § 104c of the Residence Act ("right of opportunity to stay").

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

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

## Our advice:

Since not all residence regulations can be outlined here, we recommend that you contact an Erstberatungsstelle für Migrantinnen und Migranten (initial counselling centre for migrants) of the Berlin welfare associations, a Flüchtlingsberatungsstelle (refugee counselling centre) in Berlin or the Beratungsstelle bei der Berliner Integrationsbeauftragten (counselling centre of the Berlin integration commissioner) before you submit an application.

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

Many trainees, pupils and students are entitled to citizen's benefit if they are in need of assistance and meet the other benefit requirements outlined in this Chapter. Whether they are entitled to a citizen's benefit or whether they are excluded – from the benefits to secure their livelihood with the exception of the "Benefits for trainees" (see below) – depends in particular on the type of training and the living conditions of the trainees, pupils and students (§ 7 Abs. 5 und Abs. 6 SGB II).

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

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

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

**Schoolchildren and students** are in principle excluded from claiming citizen's benefit if they are taking part in (school) training that is eligible for support under the Federal Training Assistance Act (BAföG) (student loan). It is sufficient that the training is eligible for funding "*on the merits*", i.e. that BaföG can be claimed by anyone at all for the respective training course.

Conversely, schoolchildren and students whose training is not eligible for BaföG support from the outset can receive citizen's benefit. Therefore, for instance, students in part-time or doctoral programs or during a vacation semester, in which studies are not actually pursued, are not covered by the exclusion from benefits.

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

Schoolchildren are entitled to citizen's benefit

- at secondary general schools (Hauptschulen (lower secondary schools), Realschulen (intermediate secondary schools), Gesamtschulen (comprehensive schools), Gymnasien (upper secondary schools) and vocational schools from grade 10 onwards, as well as
- in technical and specialized secondary school classes whose attendance does not require completed vocational training,

if they live with their parents and do not receive BAföG (student loan) for this reason.

Schoolchildren and students are also eligible for citizen's benefit

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

if they do not receive a student loan (BAföG) too old (§ 10 Abs. (3) BAföG).

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

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

If BAföG has been applied for, but a decision on the application has not yet been made at the start of training, these persons already receive citizen's benefit until the decision on the BAföG application. After that, they are only entitled to the regular benefits for subsistence if one of the other two requirements from sentence one of this paragraph is met.

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

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

Trainees, schoolchildren and students who are not entitled citizen's benefit pursuant to Sect. 7 sec. 5 Social Code II are only entitled to the limited "Benefits for Trainees" according to [§ 27 SGB II](#) if they are in need. The benefits are not considered citizen's benefit acc. to Section 19 par. 1 (1) Social Code II and therefore do not include a health insurance obligation (see Chapter 6 - How are recipients of citizen's benefit insured?).

The benefits for trainees include:

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

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

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

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

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

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

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

### Good to know:

The children living in the household of trainees, schoolchildren or students who are excluded from citizen's benefit receive the regular SGB II benefits. This applies likewise to the partners of the trainees living in the community at need.

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

Whether you are entitled to benefits from basic income support, and how much you are entitled to it, also depends on whether you live in a community at need, a household community with relatives or a residential community.

### 1. Community at need, including “consensual habitation (marriage-like community)”

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

Who belongs to the need community, is regulated in § 7 Abs. 3 SGB II. These are

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

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

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

The condition of whether spouses live “*permanently separated*” is determined according to the family law stipulating the term “separation” (BSG of 18 February 2010 – B 4 AS 49/09 R) . Accordingly, married couples are considered to be “living apart permanently” if one or both partners want to separate and there are actual indications of a termination of the partnership, for example documented by filing for divorce or one partner moving out of the shared apartment. A mere spatial separation of the spouses, for example due to work, is not sufficient to be “permanently living apart”.

### Temporary communities at need

Minor children who only live temporarily in the household of a parent in need of assistance due to the separation of their parents form a so-called temporary or temporary community of need with this parent. The temporary community of need is intended to enable separated parents in need of assistance to have access to their minor children.

A temporary community of need is already established if a minor child lives with a parent in need of assistance *“with a certain regularity for longer than one day”* (BSG of 2 July 2009 - [B 14 AS 75/08 R](#), paragraph 15), for example every second weekend. As a rule, the child then receives a pro rata standard requirement and, if applicable, a pro rata additional requirement for hot water or costly food according to the number of days per month on which it stays with the parent entitled to access. The benefits for the child are to be provided by the Jobcenter that is responsible for the parent entitled to access ([§ 36 Abs. 1 Satz 3 SGB II](#)).

If both parents are in need of assistance, the minor child lives alternately in two temporary benefit communities. The minor child may then receive pro rata benefits from two different Jobcenters.

If a minor child lives mainly in the household of the parent in need of assistance and the other parent with whom the child lives temporarily is not in need of assistance within the meaning of SGB II, the child receives not only the pro rata but the full (unreduced) monthly benefits from the Jobcenter of the parent in need of assistance (BSG of 27 September 2023 - [B 7 AS 13/22 R](#)).

When the child reaches the age of majority, the temporary community of need ends and the child only receives benefits from the Jobcenter in whose area it has its habitual residence or centre of life ([§ 36 \(1\) Sätze 1 und 2 SGB II](#)).

In the special case where children have already lived as minors *“with a parent and an underage sibling in a temporary community of need, the periods of residence in the separate households of the two parents are so equal that the determination of a centre of residence is ruled out, and the adult decides to continue to live with the sibling in the alternating model, i.e. with the same periods of residence, with the mother and father”*, the Berlin-Brandenburg Regional Social Court has ruled: The adult child continues to receive pro rata benefits for the period of residence with the parent entitled to benefits, even if there is no temporary community of need (ruling of 1 November 2023 - [L 14 AS 870/23 B ER](#), margin no. 26).

### Distribution of income in the community at need

The entitlement to citizen’s benefit is generally determined by comparing the total income of the persons in the community at need with their total subsistence needs (regular allowance, additional

allowance, costs of accommodation and heating). Only when these needs are covered by income, the remaining income is set off against the need for education and participation.

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

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

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

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

## Good to know:

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

### What is a “marriage-like community”?

A “marriage-like community” can be considered if partners live together who are neither married nor in a registered partnership ([§ 7 Abs. 3 Nr. 3c und Abs. 3a SGB II](#)).

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

In order for such a partnership to be comparable to a marriage, it is also required that the relationship between the partners is so close that both partners are prepared to bear responsibility for each other and to vouch for each other with their income and assets in cases of need (see BVerfG of 17 November 1992 - 1 BvL 8/87, margin numbers 116ff. and BSG of 23 August 2012 - B 4 AS 34/12 R, margin numbers 13 – 23).

If one of the following situations applies, the legislator assumes that there is a “community of responsibility and commitment” and/or “marriage-like community”:

- The partners live together for more than one year,
- the partners live together with a common child,
- one partner takes care of children or relatives of the other in the same household, or
- the partners are entitled to dispose of each other’s income or assets.

The legal presumption can be refuted by you.

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

## Our advice:

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

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

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

- they live in the same household and
- are financially capable of doing so (§ 9 Abs. 5 SGB II).

The presumption can be refuted by you.

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

## Good to know:

A household-sharing community within the meaning of Social Code II requires joint economic activity (BSG of 27 January 2009 – B 14 AS 6/08 R, margin no. 15). This is not the case if you share a flat with relatives or in-laws, but you live separately from each other – as in a shared flat.

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

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

**Example:** *Ms M. is in need of help and lives in a household-sharing community with her aunt and bears half of the housing costs. The aunt receives a monthly retirement pension of 1,600 euro (net). The monthly gross rent is 600 euro. The aunt does not own any assets. The aunt’s entitlement to benefits is calculated as follows:*

*Aunt’s net pension is 1,600 euro less*

- insurance lump sum (adjusted) in the amount of 30 euro
  - double standard need in the amount of 1,126 euro and
  - half monthly gross rent (incl. heating and hot water) 300 euro
- = remaining income 144 euro.**

*50 % of this will be taken into account to Ms M.’s entitlement to benefits, which is 72 euro per month.*

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

## Our advice:

The Jobcenters may waive an assessment of subsistence capability if the relatives are not obliged to support you – as demonstrated in the example. In this case, a written declaration from the relatives that they will not support you is usually sufficient. In-laws are generally not obliged to support you.

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

## 3. Residential community

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

# Chapter 5 | Which needs are taken into account in the citizen's benefit?

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

The citizen's benefit consists of

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

## Please note:

The actual payment amount is calculated by deducting your eligible income from the needs thus determined (see Chapter 9 - How are incomes taken into account?).

### 1. Standard need

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

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

**Table 1**

**Monthly standard need** (in euro)

Standard need levels	2024	2023
Level 1: Single person, single parent, adult with partner under 18 years of age in the community at need	563	502
Level 2: Adult partners in a community at need	506	451
Level 3: Adults under the age of 25 who live in a community with their parents and persons under the age of 25 who have moved without the consent of the Jobcenter.	451	402
Level 4: Adolescents from 14 to 17 years of age	471	420
Level 5: Children from 6 to 13 years old	390	348
Level 6: Children under 6 years of age	357	318

## Please note:

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

### Immediate supplement for children

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



### Benefits in kind for accommodation in shared accommodation

For those entitled to benefits who are accommodated in shared accommodation without the possibility of self-catering, the portions of the citizen's benefit intended for food and household energy *may*, (discretionary) also be fulfilled by benefits in kind ([§ 68 SGB II](#)). The granting of benefits as "benefits in kind" means that beneficiaries are provided with food and electricity (household energy) free of charge, for example by the operator of the shared accommodation or the organiser of a subsidy scheme.

In return, the entitlement of the beneficiaries concerned to the payment of cash benefits in 2024 will be reduced by the amounts listed in Table 2, depending on the standard needs level. The legislator justifies the reduction in the standard need by stating that an unreduced entitlement to payment of the standard need benefit would lead to a double benefit and thus to a better position of these persons compared to other persons entitled to benefits who have to provide for themselves with food and household energy (see [Bundestag printed matter 20/9195](#), page 46).

The regulation, which will apply from 1 January 2024, is particularly suitable for people who are recognised as persons entitled to asylum, refugees under the Geneva Refugee Convention, persons entitled to subsidiary protection or refugees from Ukraine, as well as for foreign or German homeless people who are housed in shared accommodation without the possibility of self-catering due to a lack of other accommodation.

"Shared accommodation" can also include (initial) reception centres for refugees, facilities for the homeless or makeshift accommodation, such as gymnasiums. The regulation only covers accommodation in which there are no self-catering facilities. For example, an existing communal kitchen excludes the application of the regulation.

**Table 2**

**Monthly deductions from standard needs due to the provision of benefits in kind in shared accommodation without self-catering facilities (in euro)**

Standard need levels	2024
Level 1: Single persons, single parents, adults with a partner under 18 in the community at need	186
Level 2: Adult partners in a community at need	167
Level 3: Adults under the age of 25 who live in a community at need with their parents and persons under the age of 25 who have moved without the Jobcenter's consent	149
Level 4: Adolescents from 14 to 17 years of age	178
Level 5: Children from 6 to 13 years of age	131
Level 6: Children under 6 years of age	98

## 2. Additional needs

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

### 2.1 Additional need for pregnant women

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

**Table 3**

**Monthly additional need for pregnant women (in euro)**

Standard need levels	2024	2023
Level 1: Single persons, single parents, adults with partner under 18 years of age in the community at need	95.71	85.34
Level 2: Adult partners in a community at need	86.02	76.67
Level 3: Adults under the age of 25 who live in a community at need with their parents and persons under the age of 25 who have moved without the Jobcenter's consent.	76.67	68.34
Level 4: Adolescents from 14 to 17 years of age	80.07	71.40

## 2.2 Additional need for single parents

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

Single parents, i.e. *single* persons who live in a joint household with one or more underage children, are primarily entitled. In individual cases, the additional need can also be granted for persons upbringing children in a *couples* community of need if one partner is prevented from playing a significant role in the upbringing of the child, for example due to a longer stay abroad, long periods of absence due to work, the need for care or institutionalisation due to serious illness. If it is no longer possible to “manage from one pot”, for example if a seriously ill spouse is institutionalised, the single parent also receives the standard needs according to standard needs level 1 (see SGB II knowledge database, entry “Additional needs for single parents / separation due to institutionalisation”; Guide to Citizen’s Benefit, 2023 edition, published by the TuWas unemployment project, pages 78 and 293f.).

The additional need for persons entitled to benefits with a child under 7 or with two or three children under 16 is 36 percent of the standard need of level 1. Otherwise, it is 12 percent of the standard need of level 1 for each child if the total is a higher monthly amount, but no more than 60 percent of the standard need of level 1. The additional need is limited to 60 percent of the standard need of level 1, so that the additional need is available for a maximum of five children.

**Table 4**  
Monthly additional need for single parents (in euro)

	2024	2023
1 child under 7 years of age	202.68	180.72
1 child from 7 years of age	67.56	60.24
2 children under the age of 16	202.68	180.72
2 children from 16 years of age	135.12	120.48
1 child under the age of 7 and 1 child from 16 years of age	202.68	180.72
1 child from 7 years of age and 1 child from 16 years of age	135.12	120.48
3 children	202.68	180.72
4 children	270.24	240.96
from 5 children	337.80	301.20

## Please note:

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

## 2.3 Additional need for handicapped beneficiaries

Handicapped beneficiaries of citizen’s benefit are entitled to an additional need of 35 per cent of the standard need if they receive a benefit for integration into the labour market as specified in § 21 Abs. 4 SGB II. This includes, for example, application training, further vocational training or disability-friendly workplace equipment. The additional need is also granted to handicapped persons with citizen’s benefit who are incapacitated to engage in work starting from the 15th birthday, if they attend a school, vocational school or university within the framework of benefits for participation (§ 23 Nr. 2 SGB II).

**Table 5**  
Monthly additional need for handicapped beneficiaries (in euro)

Standard need levels	2024	2023
Level 1: Single person. single parent. adult with partner under 18 years of age in the community at need	197.50	175.70
Level 2: Adult partners in a community at need	177.10	157.85
Level 3: Adults under the age of 25 who live in a community with their parents and persons under the age of 25 who have moved without the consent of the Jobcenter.	157.85	140.70
Level 4*: Adolescents from 15 to 17 years old	164.85	147.00

\* after 15th birthday

## 2.4 Additional need for costly nutrition

If for medical reasons additional costs for nutrition are incurred as a result of an illness, an additional need must be granted (§ 21 Abs. 5 SGB II). The illness must be certified by a doctor.

The recommendations of the the German Association for Public and Private Welfare form the basis for the granting of the additional need because of cost-intensive nutrition in Berlin. In September 2020, the German Association updated its Empfehlungen zur Gewährung des Mehrbedarfs bei

kostenaufwändiger Ernährung nach § 30 Abs. 5 SGB XII (Recommendations for granting additional needs due to costly nutrition in accordance with Section 30 (5) Social Code XII). The recommendations refer specifically to the additional needs of social assistance (Social Code XII), but are also applied in the area of basic benefits for jobseekers with only a few deviations.

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

**Table 6**

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

Disease	Recommended additional need (in % of the standard needs level 1)
Celiac disease	20 % (112.60 euro)
Mucoviscidosis	30 % (168.90 euro)
Disease-associated malnutrition* (formerly: consumptive diseases)	10 % (56.30 euro)
Terminal renal insufficiency with dialysis therapy	5 % (28.15 euro)
"Dysphagia"	in the amount of the actual expenses

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

In the case of food intolerances, for instance, lactose intolerance, high blood pressure, elevated blood lipid levels or type I and II diabetes, generally no additional need are granted. According to the recommendations of the German Association, a full diet ("healthy mixed diet") is sufficient

in these cases - according to the argumentation the respective costs are covered by the standard requirement.

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

## Good to know:

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

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

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

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

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

- Cleaning or domestic help for physically severely handicapped persons, for example wheelchair users,
- Costs of exercising the right of access to children in the case of parents living separately, in particular the travel expenses of the children or the parent,
- Care and hygiene articles that are needed on an ongoing basis for health reasons and are not

paid for by the health insurance, for example hygiene articles in the case of outbreaks of HIV disease or body care products for neurodermatitis.

## Our advice:

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

In the case of one-off needs, the Jobcenter first checks whether a loan is possible under § 24 Abs. 1 SGB II - then, existing assets must be used as a priority (more on the "loan in the case of irrefutable needs", see Chapter 7 in section 2.4). Only if support as a loan is not reasonable or the application of the loan regulation is excluded because the one-time need for living is not covered by the standard need, the additional need is taken into consideration.

A loan may be unreasonable for beneficiaries if a high financial need arises unforeseeably. A one-off special need may be considered, for example, for the purchase of a PC, laptop or tablet for schoolchildren in need of assistance, provided the school certifies the need and the schoolchildren do not have their own suitable device or it cannot be provided in a timely manner. Courts have recognised a special need especially in connection with participation in pandemic-related school lessons in the home environment ("homeschooling") LSG Schleswig-Holstein vom 18. März 2021 - L 3 AS 28/21 B ER.

### 2.6 Additional need for schoolbooks

Expenses for the purchase or lending of textbooks and workbooks with ISBN numbers for a fee are covered as additional needs (§ 21 Abs. 6a SGB II).

The prerequisite is that there is neither a learning aid exemption nor the possibility of a free acquisition or lending of textbooks and workbooks for the schoolchildren concerned. In addition, the use of the book or workbook must be specified by the school or the respective subject teacher.

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

of learning materials in school).

### 2.7 Additional need in case of decentralized hot water generation

If hot water is generated in the apartment, for instance, by an electric boiler or instantaneous water heater, an additional need of 0.8 to 2.3 percent of the respective standard need is recognised (§ 21 Abs. 7 SGB II). The hot water generation via the gas floor heating is part of the central hot water production, the costs of which are covered within the framework of the needs for accommodation and heating (more on this topic in Section 5 "Needs for accommodation, heating and hot water").

**Table 7**

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

Standard need levels	2024	2023
Level 1 (2.3 percent)	12.95	11.55
Level 2 (2.3 percent)	11.64	10.37
Level 3 (2.3 percent)	10.37	9.25
Level 4 (1.4 percent)	6.59	5.88
Level 5 (1.2 percent)	4.68	4.18
Level 6 (0.8 percent)	2.86	2.54

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

### 2.8 Additional need for beneficiaries not capable of working, classified G, aG

Persons entitled to the citizen's benefit for beneficiaries not capable of working who are fully incapacitated for work within the meaning of Social Code VI and are recognised as severely handicapped persons with walking impediments or extraordinary walking impairments (classified G or aG) receive an additional need of 17 per cent of their standard need (§ 23 Nr. 4 SGB II). Exception: They already get an additional need because of their handicap (see in this Chapter in section 2.3). The additional need is to be granted by the Jobcenter, if the person with walking impairments lives with an employable person in the community at need.

**Table 8**  
**Monthly additional need for beneficiaries incapacitated to engage in work, classified ‘G’ or ‘aG’ (in euro)**

Standard need levels	2024	2023
Level 1: Single persons, single parents, adults with partner under 18 years of age in a community at need	95.71	85.34
Level 2: Adult partners in a community at need	86.02	76.67
Level 3: Adults under the age of 25 who live in a community with their parents and persons under the age of 25 who have moved without the Jobcenter’s consent	76.67	68.34
Level 4*: Adolescents from 15 to 17 years old	80.07	71.40

\* in this case, only after the 15th birthday

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

After the first application has been made, the Jobcenter will initially cover the actual cost of your housing as a need.

#### 3.1 What belongs to housing costs?

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

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

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

If heating material is purchased annually, the expenses are to be taken into account as a need in the month in which they are due. If applicable,

this results in a claim to SGB II benefits only in the month in which the heating material is purchased. The same applies in the event of a subsequent claim by your landlord or energy supplier on the occasion of the annual statement of heating energy costs ([BSG vom 8. Mai 2019 - B 14 AS 20/18 R](#), margin number 13) (Federal Social Court of 8 May 2019).

#### Utility and heating bills

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

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

#### Proportionate housing costs

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

Deviations from this “per-capita principle” [“Kopfteilprinzip”] are possible in certain cases, for example, if there is an effective tenancy agreement between persons who share an apartment wi-

thout forming a community at need (flat-sharing community).

### Owner-occupied housing

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

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

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

How expensive housing is in Germany varies from city to city and from region to region. “Reasonable” housing costs must therefore always take into account the situation on the local housing market and are determined by the municipal providers of basic benefits for jobseekers.

Case law requires the municipal providers of basic income support to develop a so-called conclusive (viable) concept by which the appropriate values are determined in a transparent and comprehensible manner. The “coherent concept” must ensure adequacy values that guarantee that beneficiaries can at any time rent decent accommodation on the local housing market that meets their needs.

Up to what level housing and heating costs in Berlin are considered “reasonable” is regulated by the Senate Department for Social Affairs, Equality, Inegration, Diversity and Antidiscrimination in the implementing order for housing [Ausführungsvorschriften Wohnen](#) (AV-Wohnen (Implementation ordinance for housing)) and further administrative regulations. [Annex 1](#) to AV-Wohnen sets out what the Senate Administration considers to be a “conclusive concept” for reasonable accommodation costs (gross rents excl. heating and hot water). The current values for reasonable accommodation costs (gross rent excl. water and heating) are published in the circular [Rundschreiben Soz Nr. 03/2023](#) and the values for reasonable heating are published in [Annex 2](#) to AV-Wohnen.

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

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

which determine the adequacy of housing. The size of your apartment does not play a role in the appropriateness test of the Jobcenter.

### Good to know:

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

### Please note:

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

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

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

After applying for citizen’s benefit for the first time, a waiting period applies in the first year of benefit receipt, during which the actual accommodation costs (gross rent excl. heating and hot water) of the flat in which you live at the start of benefit receipt (existing flat) are covered ([§ 22 Abs. 1 Sätze 2 und 3 SGB II](#)). A reduction of “too high” accommodation requirements by the Jobcenter is not possible during this period.

One purpose of the one-year waiting period is to protect the home available at the start of benefits so that those entitled to benefits can concentrate on looking for work and do not have to worry about maintaining their home. It is also intended as an incentive to overcome the need for assistance within the waiting period. Last but not least, the regulation aims to provide legal certainty, as the assessment of the appropriateness of accommodation and heating costs is *“still fraught with considerable legal uncertainty in practice”* ([Bundestag printed paper 20/3873](#), page 88; see also pages 3 and 49).

Persons who were already receiving basic income support benefits before the Citizen’s Benefit Act came into force can or could also take advantage of the waiting period. This is because receipt of benefits under Social Code II or Social Code XII before 1 January 2023 is not set off against the waiting period ([§ 65 Abs. 3 SGB II](#)).

**Example:** *Ms F. has been receiving unemployment benefit II or citizen’s benefit for years. Her waiting period began on 1 January 2023 and ended on 31 December 2023.*

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

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

**Example:** *Mr M. received unemployment benefit II or citizen’s benefit from 1 July 2022 to 30 June 2023. He then took up temporary employment for twelve months. On 1 July 2024, he applies for unemployment benefit and receives benefits from the employment agency for six months. After the unemployment benefit is exhausted, he applies for citizen’s benefit on 15 January 2025.*

*Mr M. has already taken six months of his waiting period from 1 January to 30 June 2023. He will be entitled to a further six months of waiting time when the citizen’s benefit begins on 1 January 2025 (retroactive effect of the application!).*

## Please note:

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

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

The waiting period *must be determined individually* for each person in the community of need. The individual entitlement to the waiting period is associated with a number of unresolved legal issues (more on this in this Chapter in section 3.3 “What happens if the individually appropriate accommodation and heating needs are exceeded?”).

## Reference values

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

The reference values vary according to the size of the community at need. The values are adjusted every two years, in each case after publication of the Berlin rent index. The following reference values are based on the Berlin rent index of 2023.

In column 2 of Table 9 as well as in the tables at the end of this practical guide (Annex I) you will find the updated reference values for the gross rent (excl. heating and hot water).

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

## Reference values in public housing

For apartments in public housing (1st subsidy channel), applicable reference values for “appropriate” gross rent (excl. heating and hot water) are increased by 10 percent (see column 3, Table 9). Once the public housing period ends, the regular reference value applies.

**Table 9**  
**Reference values for monthly gross rent**  
(excl. heating and utilities)

Size of the community at need (in persons)	Reference values of gross rent (excluding heating and hot water) (in euro)	Reference values of gross rent (excluding heating and hot water) Public housing (in euro)
1	449.00	494.00
2	543.40	598.00
3	668.80	736.00
4	752.40	828.00
5	903.72	994.50
for each additional person	+ 106.32	+ 117.00

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

### Climate bonus

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

According to number V of the circular [Rundschreibens Soz Nr. 03/2023](#) the bonus amounts to

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

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

### Additional allowance in case of hardship

In addition to the reference values an additional allowance of 10 percent of the reference value will be granted for the individual determination of adequacy in the case of special housing needs

([Nummer 3.5.1 AV-Wohnen](#)). The additional allowance in case of hardship applies in particular to

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

## Good to know:

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

**Table 10**  
**Reference values for the monthly gross rent**  
(excl. heating and hot water)

Size of the community at need (in persons)	Reference values of gross rent (excluding heating and hot water) (in euro)	Reference values of gross rent (excluding heating and hot water) Public housing (in euro)
<i>plus additional allowance in case of hardship</i>		
1	493.90	543.40
2	597.74	657.80
3	735.68	809.60
4	827.64	910.80
5	994.09	1,093.95
for each additional person	+ 116.95	+ 128.70

### Special housing needs for individual groups of people (selection)

For **handicapped persons** in disabled-friendly homes, in particular wheelchair users, the adequacy is determined independently of the reference values for the “reasonable” gross rent (excl. he-



ating and hot water). This also applies to homeless persons, as long as it is not possible to rent regular living space and therefore they have to be accommodated cost-intensive (Nummer 3.5.2 AV-Wohnen).

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

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

If **parents live separately** and the children live only temporarily but regularly with the beneficiaries (temporary community at need), the children are included in the determination of the size of the community at need and the reference value. Provided, from the point of view of the Jobcenter additional rooms are necessary. If separated parents care for their child approximately half each, the child is to be mandatory taken into account as an additional household member in the appropriateness of the housing costs (see Nr. 3.5.3 AV-Wohnen).

### Review limit for accommodation costs to be recognized

If your actual accommodation costs (gross rent (excl. heating and hot water)) exceed the (individual) appropriateness limit applicable to you, the Jobcenter will carry out a so-called economic efficiency comparison of the expenses. A lumpsum surcharge on the reference value is intended to ensure that the housing is maintained and to avoid relocations that are not profitable for the Jobcenter.

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

- the reference value for the gross rent (excl. heating and warm water applicable to you, plus 10 percent in public housing, if applicable,
- *plus*, if applicable, an additional allowance in case of hardship of 10 percent on the reference value (or on the reference value increased by 10 percent in public housing),
- *plus* the additional relocation avoidance allo-

wance amounting to 15 percent of the simple reference value. The basis for calculating the additional allowance is always the simple reference value and not the increased reference value for public (Nr. 6.4.1 Abs. 2 AV-Wohnen).

In other words: The sum of the above-mentioned values forms a review limit that your gross rent (excl. heating and hot water) may not exceed in order for the accommodation costs to be recognized by the Jobcenter (see Tables 11 and 12).

## Please note:

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

**Table 11**

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

Size of the community at need (in persons)	Accommodation costs to be recognized including additional relocation avoidance allowance (in euro)	
	<i>without additional allowance in case of hardship</i>	<i>with additional allowance in case of hardship</i>
1	516.35	561.25
2	624.91	679.25
3	769.12	836.00
4	865.26	940.50
5	1,039.28	1,129.65
for each additional person	122.27	132.90

Table 12

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

Size of the community at need (in persons)	Accommodation costs to be recognized including additional relocation avoidance allowance (in euro)	
	without additional allowance in case of hardship	with additional allowance in case of hardship
1	561.35	610.75
2	679.51	739.31
3	836.32	909.92
4	940.86	1,023.66
5	1,130.06	1,229.51
for each additional person	132.95	144.65

You can also find the expenses to be recognized for accommodation in existing housing in tables 1 and 2 (“Existing housing”) at the end of this practical guide (Annex I).

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

*Result:* The monthly gross rent of 530 euro exceeds the reference value of 449 euro for Ms F. (Table 9, column 2). However, due to her age, Ms F. receives an additional allowance in case of hardship of 10 percent on the reference value. Together with the additional relocation avoidance allowance, the accommodation costs to be recognized by the Jobcenter amount to 561.25 euro per month (see Table 11, column 3). The review limit is not exceeded and Ms F. does not have to expect a “cost reduction” by the Jobcenter after the end of the waiting period.

## Our advice:

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

## What applies in court?

To date, the reference values for reasonable gross rents (excl. heating and hot water) are often not upheld before Berlin’s social courts, since in the opinion of many judges, the AV-Wohnen does not provide a consistent “coherent concept” (including SG Berlin of 21 January 2022 - [S 37 AS 9515/19](#) and of 15 February 2022 - [S 136 AS 2303/18](#); LSG Berlin-Brandenburg of 24 November 2022 - [L 34 AS 2245/18](#) and of 23 August 2023 - [L 31 AS 627/23 B ER](#)). According to supreme court case law, it must be examined whether housing is actually available at the determined adequacy values and is offered on the market in sufficient numbers (BSG of 3 September 2020 - [B 14 AS 37/19 R](#), paragraph 27f.). However, in the opinion of many courts, it is not possible to establish that adequate housing is actually available in Berlin at the reference values of the AV-Wohnen.

If the attempts of the benefit provider and the courts to determine “conclusive” adequacy values fail, the judges take the actual gross rent (excl. heating and hot water) as the basis for the housing need, limited by the Table values in rent level IV according to the Housing Benefit Act ([Annex 1](#) to Section 12 (1) WoGG) plus a safety margin of 10 per cent (see Table 13).

The values according to the housing benefit Table are abstract values, i.e. they do not take into account the individual case (according to BSG of 11 December 2012 - [B 4 AS 44/12 R](#), paragraph 19). In our experience, however, the courts rarely recognise higher values for special housing needs (e.g. BSG of 21 July 2021 - [B 14 AS 31/20 R](#), margin no. 35 et seq.).

**Table 13**  
**Maximum rents under the Housing Benefit Act including safety allowance of 10 percent**  
 (Berlin with rent level IV, values as of 1 January 2023)

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

The 32nd Senate of the LSG Berlin-Brandenburg (ruling of 30 March 2023 - [L 32 AS 1888/17](#)) took a different approach in the case of a tenant in social housing whose gross rent (excl. heating and hot water) was classified as unreasonable by the Jobcenter. The court was convinced that rents for subsidised flats in social housing cannot be considered unreasonable (see marg. number 100). – In the specific case, a comparison with the rents for other subsidised housing – showed that the tenant’s flat was still reasonable. On the other hand, values from the housing benefit Table were unsuitable for Berlin conditions because many social housing units would have to be regarded as unreasonably expensive (see marginal number 105).

In the meantime, the Berlin Senate Department responsible for social affairs has improved its justification in the circular [Rundschreiben Soz No. 03/2023](#), section IV. The administration continues to assume that a sufficient number of flats are actually available for the guideline values for the appropriate gross rent. It remains to be seen whether the courts will consider the new justification to be sufficient.

## Our advice:

Before you take legal action in the social court, you should compare the gross values (excl. heating and hot water) recognized as appropriate by the Jobcenter with the values of the housing allowance Table including safety allowance (Table 13). We advise you to seek legal advice before going to court because of the difficult legal situation.

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

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

### Please note:

According to the legislator, the waiting period for accommodation costs has an *indirect* effect on the appropriateness of heating costs. You can find out more about this at the end of this section under the subheading “Adequate heating during the waiting period for accommodation costs”.

According to the Berlin AV-Wohnen, the review of your heating costs is based on appropriate consumption values for heating energy. At the end of 2022, the Berlin Senate already changed the limit values for appropriate heating in the AV-Wohnen from monetary to consumption values. The background to this is the sharp price increases and price fluctuations for heating energy. The measure is intended to ensure that the Jobcenters cover heating costs even if, due to the current high energy prices, heating costs, but not consumption, have increased.

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

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

The maximum value or limit for heating with **heating oil, natural gas and district heating** is defined in Annex 2 as an annual consumption of 238 kWh per square metre of living space. Depending on the size of community at need, the following consumption values for heating are deemed appropriate:

- 11,900 kWh per year for one person in the community at need,

- 15,500 kWh per year for two persons in the community at need,
- 19,000 kWh per year for three people in the community at need,
- 21,400 kWh per year for four persons in the community at need and
- 24,300 kWh per year for five people in the community at need.

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

For the energy type **heat pump**, an annual consumption value of 94 kWh per square metre of living space is taken as “appropriate” based on the “Heizspiegel für Deutschland 2020”. The limit values for heating with a heat pump - depending on the size of the community at need - can be found in Table 5 (column 4) at the end of our guide (Annex I).

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

### Decentralized hot water preparation

The limit values according to the nationwide heating index also include the consumption values for central hot water preparation. In the case of decentralized hot water preparation in the apartment, for example with an electric boiler or instantaneous water heater, deductions must therefore be made from the limit values.

The deductions for heating systems that are operated with **heating oil, natural gas or district heating**, 24 kWh per square metre and year, are

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

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

For the energy type **heat pump**, you will find the deductions for decentralised hot water preparation in Table 5 (column 5) at the end of our practical guide (Annex I).

## Please note:

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

### Deductions due to climate bonus

In residential buildings that have been energetically renovated, savings on heating costs are a regular occurrence. The climate bonus granted for the gross rent (excl. heating and hot water) shall be therefore deducted in whole or in part from the limit values for heating costs. However, the responsible Senate administration has not yet explained how a euro value is to be deducted from a consumption value.

### Other energy sources

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

**Table 14**

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

Size of the community at need (in persons)	Night storage heater	
	Consumption per year (kWh)	Cost per year (in euro)
1	6,000	1,368.00
2	7,800	1,739.40
3	9,600	2,121.60
4	10,800	2,376.00
5	12,240	2,668.32
for each additional person	1,440	313.92

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

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

For apartments with **coal stoves**, the quantities and prices for coal briquettes apply in Berlin within the framework of the regulations for Brennstoffhilfe (support for fuel) as indicated under No. 1 of the above-mentioned information letter.

## Good to know:

For night storage heaters and coal stoves there are no comparable representative surveys available as for the energy sources recorded in the nationwide heat index. The AV-Wohnen (implementation ordinance – housing) therefore expressly points out that the consumption values and prices published in the circular do not represent values to which the assumption of heating costs is limited. The Jobcenters are therefore required to determine the appropriate heating requirement *individually* if the values are exceeded (Nummer 5.2 Absatz 4 AV-Wohnen) (No. 5.2 par. 4 Implementation ordinance – housing).

### Individually appropriate heating costs

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

## Our advice:

Check whether there are any special reasons why you need to heat more than usual. In individual cases, for example, health or age-related conditions or an energetically inadequate building condition, such as simple windows or inefficient radiators, can justify the increased heating cost demand. In this case, draw the Jobcenter’s attention to these circumstances. The Jobcenter may then have to recognise your individual heating costs as reasonable.

### Adequate heating during the waiting period for accommodation costs

The legislator decided not to include heating costs in the waiting period because it was of the opinion that the objective of protecting the existing home during the waiting period could also be achieved

without including heating costs.

According to the legislator, the prerequisite for this is that the size of the recognised accommodation is the reference point for checking the appropriateness of the heating requirements during the waiting period. When assuming the costs for an “inappropriately” large flat, the actual number of square metres of this flat must be used to assess the appropriate heating costs and not – only an “appropriate” flat size, as is the case when calculating the limit values in accordance with the AV-Wohnen – (see Bundestag printed matter 20/4360, page 34).

**Example:** *For a single person living in an 80 square metre flat in an old Berlin building, the appropriate heating requirement for her’s/his gas central heating is based on the actual size of the flat within the waiting period for accommodation costs - only 50 square metres are actually considered “appropriate” for one person (see point 2 in Annex 1). The appropriate consumption value is therefore not 11,600 kWh per year, but 19,040 kWh per year (80 square metres by 268 kWh per square metre and year).*

The current Berlin AV-Wohnen does not take into account any special limits for the heating requirements of “ inappropriately large flats within the waiting period for accommodation costs. In practice, however, the lack of such a regulation is hardly noticeable, as a request to reduce “ inappropriately” heating costs is usually made at the earliest after one year of benefit receipt, i.e. after the waiting period for accommodation costs has expired (more on this in the following section).

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

If your gross rent (excl. heating and hot water) exceeds verification limit or your individually appropriate needs after the one-year waiting period has expired or if your consumption values for heating exceed your individually appropriate needs after the application has been submitted, the Jobcenter will request you in writing to reduce your housing costs, for example, by subletting, changing apartment or saving energy.

### Different waiting periods within a community at need

If people with different individual waiting periods live within a community at need, the cost reduc-

tion procedure raises questions that have not yet been clarified. For example, is it possible to reduce the share of accommodation costs for people whose qualifying period has already expired, while continuing to pay the full accommodation costs for other members of the same community at need, whose qualifying periods are still ongoing?

Some lawyers are of the opinion that, in the case of overlapping waiting periods, the Jobcenter may only reduce the assumption of accommodation costs once the waiting period has expired for the last person. This is because if the Jobcenter were only to pay a smaller proportion of the accommodation costs for people whose waiting period has already expired, there would be a risk of loss of accommodation, even for people in the community at need whose waiting period has not yet expired - but this would contradict the purpose of the waiting period, during which the existing accommodation is to be protected (see, for example, Sven Schumann in: Leitfaden SGB II/SGB XII - Bürgergeld und Sozialhilfe von A-Z, edited by Harald Thomé, edition 2023/2024, page 571).

### Grace period

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

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

The grace period must also be extended, if necessary, several times, if you are unable to find “appropriate” housing within the grace period despite proven intensive search efforts and a move is therefore *not possible* in the short term.

## Our advice:

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

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

### Unreasonable cost reductions

The Jobcenter will not reduce the assumption of costs if this is *unreasonable in individual cases* (§ 22 Abs. 1 Satz 6 SGB II). The reasons for the unreasonableness of a cost reduction are not specifically defined in SGB II – with one exception (see below) –. A variety of reasons are therefore possible.

The AV-Wohnen states this: If the guideline values for accommodation costs are “*not so considerably*” exceeded, a reduction in the assumption of costs should be waived in certain cases of hardship (Nr. 7.1.4 par. 1 AV-Wohnen). This applies to

- serious illness, disability or need for care of the person entitled to benefits or a relative living in the household, if the health restrictions make relocation impossible or unreasonable,
- 60-year-old or older persons entitled to benefits after at least 10 years of residence, if the future pension is expected to be high enough that no supplementary benefits from the basic security benefits in old age and in the event of reduced earning capacity are necessary,
- single parents with two or more children or
- one-off or short-term assistance.

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

In the case of persons entitled to citizen's benefit who live in outpatient assisted living arrangements or who receive care assistance in accordance with Social Code XII, a cost reduction procedure may only be carried out with the agreement of the responsible district office (Nr. 7.1.4 (2) AV-Wohnen).

## Good to know:

If your accommodation or heating costs become "unreasonable" only because a member of your household has died, it is *unreasonable* to reduce your housing costs for at least one year from the (calendar) month following the death of the flatmate (§ 22 (1) Satz 9 SGB II).

### The so-called cost reduction

If the Jobcenter can no longer avert the reduction in the assumption of costs and the – possibly extended – grace period has expired, the Jobcenter will only assume the costs for the previous flat in an "appropriate", i.e. reduced amount.

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

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

In this case, additional payments for operating costs will only be taken over for the accounting months prior to the completion of the cost reduction process. However, the Jobcenter must continue to reimburse the landlord's additional claims for heating and hot water costs (Number 5.1.1 par. 2 AV-Wohnen)

If only the consumption values for heating exceed the individually reasonable need, only the assumption of the heating costs by the Jobcenter will be reduced. Your actual heating costs will

then only be covered on a pro-rata basis, in accordance with the ratio of the reasonable consumption according to Anlage 2 (Annex 2) to the actual consumption (Number 7.1.2 par. 2 AV-Wohnen). This does not affect the assumption of any additional payment due for utility costs.

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

If, for example, you are unable to reduce your accommodation costs by subletting or moving, you will have to pay the shortfall in your gross rent from the minimum subsistence level, i.e. from your standard or additional needs, or otherwise from the allowances to which you are entitled in the context of gainful employment. In this case, the so-called cost reduction procedure only means reducing the costs *for the Jobcenter*.

According to the Senate Department responsible for social affairs, the costs of almost 4,300 Berlin households were reduced to the appropriate accommodation costs in 2018, so that the residents of these households had to bear part of their housing costs from what was necessary to live (see Annex 1 AV-Wohnen of 14 December 2021, item 4 "Rentability - availability of housing").

## Our advice:

If the cost assumption for your apartment has already been limited to the "reasonable" in the past, the Jobcenter is obliged to adjust the payments for your apartment if the Senate Administration increases the reference or limit values (Nummer 15 der AV-Wohnen). If the office does not act on its own initiative, you should submit a corresponding application to the Jobcenter yourself.

### Regulations of the Berlin state for affordable rents

If you live in subsidised housing in Berlin or in a flat owned by a municipal housing company and some of your housing costs are no longer covered by the Jobcenter, you may be able to receive support under one of the following Berlin state regulations.

#### Rent subsidy in Berlin related to public housing construction

Tenants in apartments of publicly subsidised social housing construction (1st subsidy channel) whose housing costs have been reduced in accordance

with a cost-cutting procedure may, upon application, receive a rent subsidy up to the amount of the gross rent that is no longer paid by the Jobcenter (§ 2 Absatz 5 Wohnraumgesetz Berlin, [Mietzuschussvorschriften 2022](#)). There is a legal entitlement to the rent subsidy if the requirements are met. Applications can be submitted to Investitionsbank Berlin (IBB), Mietzuschuss Sozialwohnungen (rent subsidy for public housing), Bundesallee 210, 10719 Berlin, telephone: (0 30) 2125-4545.

Further information on the rent subsidy can be found at:

<https://www.ibb.de/de/foerderprogramme/mietzuschuss-in-sozialwohnungen.html> and under item 7 of „[Info 53: Sozialer Wohnungsbau in Berlin](#)“ of Berliner Mieterverein e.V.

### Rent reduction in municipal housing companies

Tenants in flats of the state-owned housing associations in Berlin can refer to [Art. 2 § 2, 3 of the Berlin Housing Supply Act](#) and the [cooperation agreement](#) and apply for a review or reduction of their rent if their net cold rent exceeds 27 per cent of the net household income to be proven and the income limits and appropriate living space limits applicable to a certificate of eligibility for housing are not exceeded (hardship provision). This provision applies regardless of whether you have undergone a cost reduction procedure at a Jobcenter or not.

The cooperation agreement between the state of Berlin and the state-owned housing companies also states somewhat vaguely: *“For special needs groups and recipients of benefits under Social Code II and XII, the affordability of the rent level is guaranteed”*.

The cooperation agreement applies to the housing associations Berlinovo, Degewo, Gesobau, Gewobag, Howoge, Stadt und Land and WBM Wohnungsbaugesellschaft Berlin-Mitte mbH. The informal application for a rent review must be submitted directly to the respective housing association.

### Please note:

The regulations are based on a voluntary commitment by the municipal housing companies. They do not establish any enforceable rights for tenants, but are supported by the political will of the Berlin state government (Berliner Mieterverein e.V., [Info 43: Housing Supply Act](#)).

## 3.4 What applies when renting new housing?

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

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

This also applies to accommodation costs in the event of a move during the waiting period. The purpose of the waiting period is to maintain the accommodation available to those entitled to benefits for the duration of the waiting period. If you move house during the waiting period, this protective purpose no longer applies (e.g. SG Munich of 13 February 2023 – [§ 13 AS 113/23 ER](#)). If you move during the waiting period, higher than reasonable housing costs can only be covered if the Jobcenter has *previously* agreed to cover the costs ([§ 22 \(4\) Satz 2 SGB II](#)) - however, the Jobcenter rarely agrees to higher than reasonable costs.

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

### Please note:

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

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

Before granting the assurance, the Berlin Jobcenters check whether the new **accommodation costs (gross rent (excl. heating and hot water))** – apart from special cases – comply with the reference value applicable to you, including the supplements that come into question (public housing, climate bonus). For people in special life



situations, for example single parents or pregnant women, the hardship supplement of ten percent of the reference value, including the other supplements, is also to be taken into account.

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

You can find out which expenses for accommodation costs for new rentals are recognized in detail by the Berlin Jobcenters in Annex I in Tables 3 and 4 (“New rental of living space”). Please note that not all possible surcharges are included in the tables for reasons of space. Please note that, for reasons of space, not all possible supplements are included in the tables.

## Good to know:

The reference values for the gross rent (excl. heating and hot water) are often not upheld by the Berlin social courts. It may therefore be possible to obtain an assurance that the new housing costs will be covered by way of interim legal protection (e.g. SG Berlin of 9 February 2022 - [S 203 AS 466/22 ER](#); SG Berlin of 6 July 2022 - [S 129 AS 3280/22 ER](#); LSG Berlin-Brandenburg of 28 September 2023 - [L 9 AS 916/23 B ER](#)) - in the case of a move within Berlin, the change of residence must also be “necessary” (more on this in the following section). Many social welfare judges also use the values from the housing benefit Table plus a safety margin of 10 per cent as a basis when renting new accommodation (more on this in this Chapter in section 3.2 a) “What applies in court?”). The housing benefit values including the safety surcharge (Table 13, column 3) are currently more favourable for new tenancies than the guideline values for gross cold rents according to AV-Wohnen (Table 9). However, if a new tenancy supplement of 20 percent or two other supplements, such as a supplement for social housing and a hardship supplement of 10 percent each, are added to the reference value by the Jobcenter, the values from AV-Wohnen are more favourable for those seeking housing.

## Our advice:

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

In principle, the **expenses for heating, if necessary, including hot water preparation**, are also to be checked for their adequacy before the assurance is granted. The Senate Administration responsible for social affairs is currently taking a different approach. Since the tenant’s possibilities to influence a new renting are very limited, “*the calculation of the monthly advance payments for heating costs submitted by the landlord in accordance with the requirements of the Heating Costs Ordinance is to be taken into account*” ([Nummer 3.3.2 Absatz 2 AV-Wohnen](#)). This means that monthly advance payments for heating costs calculated by the landlord in accordance with the law are initially to be accepted by the Berlin Jobcenters. An examination of the appropriateness of the heating costs is then to be *made up for*, as a rule, after submission of the first heating cost statement, when the actual consumption values for heating are available.

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

## b) Non-required move

If your housing costs increase after a move within Berlin, the move must be “necessary”. This means that you have to prove a comprehensible reason for moving. The reason could be, for example, separation from your spouse, starting a family, or family reunion (see [Nummer 8.1 para. 2 to 7 AV-Wohnen](#)).

If the Jobcenter considers the move to be “not necessary”, the Jobcenter will only pay the housing costs after the move in the amount of your previous gross rent (incl. heating and hot water) ([§ 22 Abs. 1 Satz 6 SGB II](#), provided it was “reasonable”. This also applies to a non-required move during the waiting period. Under no circumstances the Jobcenter may stop payments for your apartment at all because of a move to a more expensive apartment.

## Good to know:

The limitation of housing costs to the previous rent in the case of a non-required move to Berlin or a move from Berlin to another city is not permissible ([BSG of 1 June 2010 - B 4 AS 60/09 R](#)).

### c) New rental supplement in the case of existing or imminent homelessness

For people who are homeless or threatened with homelessness, an allowance of 20 percent on the reference value for the gross rent (excl. heating and hot water) is granted for new rentals of an apartment on the free housing market if this is the only way to end or prevent housing in more cost-intensive facilities (see [Nummer 3.4 AV-Wohnen](#)) (see No. 3.4 of the implementation ordinance - housing). This also applies to women threatened by domestic violence as well as women and refugees in shared housing.

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

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

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

Under 25s who move from their parent's household to their own home without prior confirmation that the Jobcenter will bear the costs will not receive housing and heating benefits. As a rule, the consent is only given to them if, for serious reasons, they can no longer be referred to their

parents' home. These include, for example, family violence or being “kicked out” of the parental home. The confirmation of the cost assumption, on the other hand, must be given if the removal is necessary due to the commencement of work or training ([§ 22 Abs. 5 SGB II](#); [Nummer 8.1 Abs. 8 AV-Wohnen](#)).

### e) Payment of moving costs

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

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

In Berlin, the following removal costs are borne in particular (see [Nr. 8.2, 8.3 und 9 AV-Wohnen](#)):

- in the case of a self-help removal, the costs for a rented vehicle including moving boxes and catering for assisting persons (30 euro per person for up to four persons depending on the size of the household),
- the cost of the removal by a removal company, if the removal is not possible in self-help, such as for single parents or because of age, disability or orthopedic reasons (a medical certificate is required for this),
- irrefutable double rent payments (usually for one month),
- reasonable costs for necessary renovations in the apartment if the renovation is owed under the lease during the rental term or upon moving and the rental conditions is invalid, e.g., because the deadline provisions are too unflexible. Renovations are generally done on your own account.
- the cost of renovating the new home, if the renovation establishes the standard of a lower-range home (for example, the purchase of a simple floor covering) and renovated housing is not offered,
- other relocation-related costs, such as the provision of a new telephone and Internet

- connection or a mail forwarding request, and
- the deposit up to the amount of three net rents (excl. all utilities) (also in case of subletting) as well as the costs for cooperative shares usually up to the amount of three total rents (incl. utilities), if they cannot be paid from the protected property or if they are paid from the previous rental. These benefits are generally provided on a loan basis only. In order to repay the interest-free loan, the Jobcenter retains every month five percent of the standard need as long as you are receiving benefits.

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

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

#### a) Membership in a tenants' association

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

You will then receive a certificate of cost assumption from the Jobcenter, which you must present to a tenant organisation cooperating with the State of Berlin (see Nummer 10 AV-Wohnen).

If you are already a member of one of the tenant organizations that cooperate with the state of Berlin, the membership fee can also be covered by the Jobcenter. The membership fee will then be reimbursed to you directly by the Jobcenter.

#### b) Rental and energy liabilities

As a rule, rent debts are to be taken over by the Jobcenter as a loan if the assumption is "justified and necessary" to secure "adequate" housing and prevent homelessness for recipients of citizen's benefit fund, for example, if this is the only way to avert an eviction judgement or avoid an impending eviction. The same applies to energy debts if there is a threat of the electricity, water or he-

ating supply being cut off due to payment arrears (§ 22 Abs. 8 SGB II) (see also Chapter 7, section 2.4 "Loans for irrefutable need").

## Our advice:

If you receive a reminder from your landlord about rent arrears or even a termination without notice, you should immediately go to an independent counselling centre for people in need of housing or the public housing assistance in the social welfare offices. If you owe rent, the Jobcenter informs the public housing support office in your district. In the case of energy debts, you can contact the energy debt advisory service of the consumer advice centre in Berlin.

#### c) Berlin Hardship Fund Energy Debts

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

The hardship fund was set up last year and will be continued in a modified form in 2024. In 2024, recipients of citizen's allowance will no longer be entitled to benefits from the hardship fund if an energy cut-off is threatened or occurs in that year. In the event of energy debts and energy freezes, assistance from the Jobcenter should be used.

According to information from the Senate Department for Labour, Social Affairs, Equality, Integration, Diversity and Anti-Discrimination, it is at the discretion of the granting authority to provide financial assistance to lift a block or the threat of a block if the Jobcenter refuses to take over energy debts (notice of refusal must be available) and if there is a threat or occurrence of an energy block and if the other eligibility requirements are met "after examining the circumstances of the individual case" (point 3 of the Förderrichtlinie).

The hardship fund provides non-repayable financial assistance (grant) to private households with low incomes on application if a cut-off in the supply of electricity or heating energy has occurred or has been threatened by the energy supplier after 1 January 2023. There is no entitlement to the assistance.

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

Applications for cost coverage from the “Energy debt hardship fund” can primarily be made online until the end of 2024. They will then be processed by the authorisation office at the State Office for Health and Social Affairs. Further information can be found on [www.berlin.de/sen/soziales/soziale-sicherung/haertefallfonds-energieschulden/richtlinie\\_hf\\_energieschulden.pdf?ts=1705104077](http://www.berlin.de/sen/soziales/soziale-sicherung/haertefallfonds-energieschulden/richtlinie_hf_energieschulden.pdf?ts=1705104077).

## Good to know:

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

## Chapter 6 | How are recipients of citizen’s benefit insured?

### Health and long-term care insurance

If you are a person who is capable of working and receive citizen’s benefit, as a general rule you are compulsorily insured in the statutory health insurance (§ 5 Abs. 1 Nr. 2a SGB V) and the long-term care insurance (§ 20 Abs. 1 Satz 2 Nr. 2a SGB XI). Children from the 15th birthday deemed to be capable of working and are subject to compulsory insurance. They receive unemployment benefit II and become independent members of a statutory health insurance, which they can freely choose.

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

For example, persons who receive citizen’s benefit only as a loan or citizen’s benefit for beneficiaries not capable of working (§ 19 Abs. 1 Satz 2 SGB II) or persons who had a private health insurance before receiving unemployment benefit II are not subject to compulsory insurance in the statutory health insurance system (see below).

As a rule, children under the age of 15 and married beneficiaries who are capable of working and entitled to citizen’s benefit are entitled to free family insurance (§ 10 SGB V). The application for family insurance must be submitted to the competent health insurance fund.

Persons entitled to benefits who are not subject to compulsory insurance through citizen’s benefit are often entitled to a monthly “subsidy for health and long-term care insurance contributions” (§ 26 SGB II). The allowance is also available to persons who become in need of assistance solely due to their contributions to health or long-term care insurance.

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

### Subsidy for private health and long-term care insurants

Persons entitled to benefits who last had a private health insurance before receiving citizen’s benefit are exempt from the statutory health and long-term care insurance obligation while receiving citizen’s benefit for beneficiaries capable of working (§ 5 Abs. 5a SGB V). They are still required to take out health and long-term care insurance with a private insurance company (§ 193 Abs. 3 VVG, § 23 SGB XI).

The Jobcenters take into account as a need for *private health insurance* only the costs up to the amount of half the contribution in the so-called basic tariff (§ 26 Abs. 1 Satz 1 und Abs. 2 Satz 1 Nummer 2 SGB II). This corresponds to a maximum amount of 421.76 euro per month in 2024. The basic tariff is based on the scope of benefits of the statutory health insurance. The amount of the contribution in the basic tariff is determined individually for each insured person and may not exceed the amount of 843.52 euro per month in 2024.

## Good to know:

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

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

## Good to know:

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

Contributions to **private long-term care insurance** are covered by the Jobcenter up to half of the maximum amount in statutory long-term care insurance (§ 26 Abs. 3 Satz 1, Abs. 4 Satz 1 Nummer 2 und Satz 2 SGB II). This is up to 87.98 euro per month in 2024. Insurance companies may charge no more than a contribution in this amount if privately health-insured persons are covered by the basic tariff and their contribution has been reduced due to indigence (§ 110 Abs. 2 Satz 3 und Satz 4 SGB XI). If the health insurance cover is not in the basic tariff, only the maximum subsidy of half the maximum contribution will be granted. If the tariff you are currently paying for private long-term care insurance is more favourable, this will form the upper limit for the subsidy.

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

## Accident insurance

People who claim Social Code II benefits and go to the Jobcenter following a request to register are insured against an accident on the way there. This also applies to the way back home and in the Jobcenter itself (§ 2 Nr. 14 SGB VII).

The statutory accident insurance also applies if the persons concerned go to another location *at the request* of the Jobcenter, for example

- to attend an appointment with the medical service,
- to take part in a labour market policy measure sponsored by the Jobcenter with a provider, for example, of further vocational training (including the trip from home to the training centre and back), or
- have a job interview with an employer.

## Pension insurance

Since 1 January 2011, contributions to pension insurance have no longer been paid when receiving unemployment benefit II (Alg II) or citizen's benefit.

However, periods of receiving unemployment benefit II (Alg II) and citizen's benefit for persons entitled to benefits who are capable of work can, under certain conditions, be taken into account as credited periods (§ 58 SGB VI) in statutory pension insurance. Credited periods can help you to fulfil waiting periods for certain statutory pensions, for example for the old-age pension for severely disabled persons or the old-age pension for long-term insured persons, or not to lose a possible future entitlement to a pension due to reduced earning capacity.

For example, periods of receiving unemployment benefit II (Alg II) or citizen's benefit as a loan do not count as credit periods.

## Good to know:

If your application for citizen's benefit is rejected by the Jobcenter due to a lack of need for assistance and you are unemployed, the periods of your unemployment without receiving benefits can also be taken into account as a credit period in the statutory pension insurance (§ 58 Abs. 1 Satz 1 Nr. 3 SGB VI). To do this, register as unemployed with your local employment agency immediately after your application for citizen's benefit has been rejected.

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

In addition to citizen's benefit, you will also receive other subsistence benefits if the relevant conditions for these benefits are met.

### 1. Education and participation (BuT)

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

#### Good to know:

The BuT benefits are considered to be applied for as soon as you have submitted the application for citizen's benefits. You then only need to submit the relevant documents and evidence during the period of approval, so that the BuT benefits are subsequently approved by the Jobcenter. Exception: You have to apply for BuT benefits separately (§ 37 Abs. 1 Satz 2 SGB II).

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

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

In most cases, your child needs the Berlin-Pass BuT to be able to make use of BuT services. In order to get your passport, it is sufficient to present a certificate of attendance at kindergarten / care contract for children's daycare or a school certificate / the student ID card I to the Jobcenter.

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

#### Good to know:

Holders of the Berlin-Pass BuT – as with the new entitlement certificate (formerly: Berlin-Pass) – also receive reduced or even free admission in Berlin, for example to public swimming pools, museums and other events. To take advantage of these discounts in Berlin, you must either present the Berlin-Pass BuT without a passport photo together with an ID document, for example a student ID, or the Berlin-Pass BuT with a passport photo. For more information, see Chapter 18 in section 4 "Social ticket and more".

Forms that must be completed by the school, kindergarten or daycare can be found on the website of the Senate Department for Education, Youth and Family: [www.berlin.de/sen/bjf/hilfe-und-unterstuetzung/bildungspaket/](http://www.berlin.de/sen/bjf/hilfe-und-unterstuetzung/bildungspaket/)

#### 1.2 Benefits for education

The following benefits for education are granted to

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

##### a) Daycare or school trips for one day

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

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

##### b) Multi-daycare or multi-day class trips

- **For trips of the kindergarten or daycare**, you must confirm the planned trip (time period, destination, costs) on a form. The application for reimbursement of travel expenses is submitted to the Jobcenter along with the

confirmation from the kindergarten or day-care centre. This cost confirmation must be subsequently submitted to the Jobcenter. The Jobcenter transfers the benefits to the kindergarten or daycare centre.

- **For school trips**, the responsible teacher at the school must confirm the details on a form. The beneficiaries then submit the application to the Jobcenter. The money is transferred to the teacher's travel expense account.

## Good to know:

If you have already paid the travel costs for one-day or multi-day trips yourself, because the children have not yet a Berlin Pass BuT, the expenses will be reimbursed to you by the Jobcenter. For multi-day trips, in particular the costs of travel, accommodation, meals and joint events, but not pocket money, can be covered on presentation of the relevant supporting documents.

### c) Personal school supplies

For pens, exercise books, watercolours or schoolbags, the Jobcenter provides 195 euro in 2024, of which 65 euro as of 1 February for the second half of the school year 2023/24 and 130 euro as of 1 August for the first half 2024/25 (§ 28 Abs. 3 SGB II; § 34 Abs. 3 SGB XII and Anlage zu § 34).

The prerequisite is that your child must be attending school on the relevant key date and be entitled to benefits. The school package is also available to children entitled to benefits if they are admitted to a school for the first time or again after the start of the school year.

The money will be paid to the beneficiaries and adjusted annually in line with the increase in regular needs (§ 34 Abs. 3a SGB XII).

### d) Lunch at kindergarten, daycare and school

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

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

## Please note:

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

### e) Necessary learning assistance

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

Affected schoolchildren present the Berlin-Pass BuT and the completed additional form for supplementary learning assistance at school. The school checks the application and approves the assistance by providing it.

Payment is made directly by the school or the education authority to those who provide the learning assistance. You do not have to pay anything yourself.

## Please note:

In order to make it easier for pupils to access learning assistance during and after the Covid-10 pandemic, a separate application was temporarily not necessary (§ 71 Abs. 1 SGB II). A separate application for learning assistance is again required for approval periods starting on 1 January 2024 or later.

### f) School transport

The state of Berlin grants *all* Berlin citizens, including those not in need of assistance

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

the free student ticket for the fare zone AB. Insofar as this covers the need for student transportation, no BuT benefits are granted.

The personal ticket is issued as a chip card "fahrCard". It can only be ordered online at [www.BVG](http://www.BVG).

de/schuelerticket To do so, you must upload a photo and the child's student ID card I, among other things. The "fahrCard" will then be sent to you by mail. The "fahrCard" entitles you to take a bicycle with you free of charge.

All other Berlin schoolchildren can have their actual expenses for school transportation reimbursed within the framework of the services for education and participation. As a rule, they can use the Berlin ticket S, which is offered by BVG and S-Bahn at a monthly price of 9 euro for the AB fare zone. You can find out more information about the Berlin ticket S in Chapter 18 in section 4 "Social ticket and more".

The Jobcenters also have to cover higher costs for school transportation either as a voluntary benefit (state of Berlin) or as a compulsory benefit (BuT), for example for a subscription in the fare zone ABC if this is necessary to reach school. Please present a school certificate and the ticket to your responsible Jobcenter.

There is a legal entitlement to cover the costs for school transportation within the scope of the BuT services if the distance on foot is unreasonably long for attending the nearest school of the chosen educational program and the students/schoolchildren therefore use public transportation. As a rule, an actual walking distance (not as the crow flies) of up to two kilometres to school is considered reasonable. In individual cases, however, shorter distances to school may also be unreasonable, for example if schoolchildren have problems reaching school safely on foot due to health or disability restrictions. The Jobcenter will also cover travel costs to more distant schools if they have an independent profile with a special focus on content compared to "closer schools". This includes, for example, a special educational orientation or an ideological or denominational character.

### 1.3 Benefits for participation

Children and adolescents in need of assistance up to their 18th birthday receive the following participation benefits. The benefits are intended to support shared experiences with other children and adolescents.

#### a) Participation in joint cultural, sporting and leisure activities

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

comparable courses or activities in cultural education and participation in leisure activities are covered. The costs for the Superferienpass ("Super Holiday Pass") are also covered by the Jobcenter if the card is issued directly by the Youth Culture Service. The focus is on common experience.

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

#### b) Purchase of equipment

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

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

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

#### c) Assumption of travel costs

In addition, there is a *legal claim* to the assumption of travel costs for the participation offer (ruling of BVerfG of 23 July 2014 – 1 BvL 10/12, margin no. 132). For schoolchildren, the need for travel to the participation offer is already covered by the free school transportation. In other cases (espe-



cially for non-schoolchildren), the travel costs described in section 1.2 f) are to be covered as participation costs.

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

## Good to know:

If you have any questions about education and participation benefits, you can also contact the BuT advice centre funded by the Berlin Senate. Counselling is offered in several languages: <https://but-beratung.de/>

## 2. One-off benefits

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

## Please note:

You must always apply for the one-off benefits *separately*. You must submit the application before you make the purchase (§ 37 Abs. 2 Satz 1 SGB II).

Beneficiaries are entitled according to § 24 Abs. 3 SGB II to

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

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

## Good to know:

You will also receive benefits for initial equipment/outfitting if you are not currently receiving benefits from the Jobcenter because your income is just above your subsistence level, but you are not able to cover upcoming larger purchases entirely from your own income or assets, for example on the occasion of the birth of a child. In this case, your income *can* be taken into account for a period of up to six months after the decision on the application.

The one-off benefits according to Sect. 24 par. 3 Social Code II are regulated in Berlin in the circular Rundschreiben Soz Nr. 06/2017 zur Umsetzung des § 24 Abs. 3 Nr. 1 und 2 SGB II und §§ 31 Absatz 1 Nr. 1 bis 3 und 27b Abs. 2 SGB XII. Most benefits are granted at a lump sum.

### 2.1 Initial equipment for the apartment

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

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

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

There is only a right to a simple “standard” equipment. Benefits can be granted in the form of cash or non-cash benefits, for example vouchers for furniture storage. The scope of cash benefits is set out in the aforementioned circular of the Senate Administration under no. I.2 and in Anlage 1 (Annex 1) to the circular.

### 2.2 Initial items for clothing and during pregnancy and childbirth

In special situations, e.g. after an apartment fire, homelessness or a severe weight loss due to illness, the Jobcenter provides benefits for the ini-

tal provision for clothing Erstausrüstung mit Bekleidung (Nr. 1.3 des Rundschreibens und Anlage 2) (no. 1.3 of the circular and Annex 2). The initial provision is also granted to persons who have not been granted any or only a proportion of clothing assistance by the State Office for Refugee Matters (LAF) before their entitlement to asylum was recognised.

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

Pregnant women and mothers currently receive the following lump sums:

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

## Our advice:

Pregnant women and families can receive benefits from the "Stiftung Hilfe für die Familie" (foundation to help families) in addition to citizen's benefit and income support. Ask for more information at the counselling centres for pregnant women and families mentioned here.

### 2.3 Orthopaedic shoes and therapeutic equipment

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

## Good to know:

The repair of therapeutic devices also includes the repair of spectacles according to supreme court rulings (see ruling of BSG vom 25.Oktober 2017 - B 14 AS 4/17 R).

### 2.4 Loans for irrefutable needs

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

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

"Irrefutable" is an additional allowance if it must be covered without delay and its volume does not allow to be covered by savings elsewhere in the lifestyle. Before a loan is granted, applicants must use their savings capacity - with the exception, for example, of protected retirement assets (§ 42a Abs. 1 Satz 1 SGB II).

Typical examples of one-off needs in this sense are the replacement or repair of electrical appliances, such as washing machines or refrigerators, or the purchase of spectacles prescribed by a doctor in the lower price range. It is also possible to cover additional payments for household energy (electricity for lighting, cooking or electrical appliances, not for hot water). It does not include the purchase or repair of a motor vehicle as these needs are not part of the standard needs. The benefits may be granted in cash or in kind.

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

If, exceptionally, support in the form of a loan is not reasonable or if the one-time additional need is not covered by the standard need, additional needs may be considered (for more information see Chapter 5 in section 2.5 "Irrefutable special needs - 'Additional need in case of hardship'").

## Chapter 8 | Integration into work – What do you have to do?

### What does the Jobcenter do?

If you are capable of working, the Jobcenter will require you to work in order to earn a living (§ 2 SGB II). The Jobcenter should support you in taking up a job or training by providing advice and necessary support measures, so-called integration services (§ 14 SGB II).

#### 1. What kind of work is reasonable?

In principle, almost any work or support measure is reasonable (§ 10 SGB II), including taking up or continuing temporary work, fixed-term employment contracts, casual work or employment that does not cover needs.

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

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

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

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

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

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

#### 2. What is a cooperation plan?

A cooperation plan (§ 15 SGB II) is to be agreed with those eligible for benefits. From the legislator's point of view, it is the central instrument in job placement. The aim is to plan your integration into work together with you and to overcome your need for assistance.

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

#### Good to know:

The first invitation from the Jobcenter to a meeting about the preparation of the potential analysis and the cooperation plan is issued without notification of the legal consequences (§ 15 Abs. 3 SGB II). If you do not honour this invitation, you do not have to fear any financial disadvantages.

In the cooperation plan, you and the Jobcenter then jointly define, among other things,

- the minimum number of applications or other efforts you need to make and how you can prove your activities,
- which training, activities or fields of activity you are to be placed in,
- what services the Jobcenter provides to place you in work or training, and
- whether you may be required to take part in an integration course or a measure for job-related German language support due to insufficient German language skills (more on this in this Chapter in section 5 "What offers for promoting German language skills does the Jobcenter support?").

The cooperation plan sets out the integration goal and the specific steps for your placement in employment in text form. It must be reviewed *jointly* by the Jobcenter and you after six months at the latest and updated if necessary.

You do not have to agree to the cooperation plan if you do not agree with its content. The Jobcenter cannot impose a sanction for this reason.

## Our advice:

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

## Good to know:

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

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

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

## Good to know:

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

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

## The mediation procedure

The mediation procedure ([§ 15a SGB II](#)) is initiated at your request or at the request of the Jobcenter employee if the creation or updating of a cooperation plan is not possible due to differences of opinion. The aim of mediation is to reach an agreement. If an agreement is reached, it must generally be taken into account by the Jobcenter. If no agreement is reached within four weeks of the start of the mediation, the mediation procedure ends.

The mediation procedure must be offered by each Jobcenter and carried out by “a person within or outside the Jobcenter who has not previously been involved and is not bound by instructions”. The specific structure of the procedure is the responsibility of each individual Jobcenter.

Different conciliation procedures are currently practised in the Berlin Jobcenter. The mediators, *who are not bound by instructions*, are either

- Jobcenter employees from another Jobcenter,
- Jobcenter employees from other areas of the same Jobcenter who are not responsible for the beneficiaries concerned, for example from another team or from customer response management, or
- external service providers (so far only in one Berlin Jobcenter).

By mid-2024, the experience gained from the various mediation procedures in Berlin will be evaluated to determine which approaches have proven successful (see written inquiry at the Berlin House of Representatives dated 27 June 2023, [printed matter 19/16028](#)).

## Good to know:

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

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

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

## Please note:

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

According to case law, the application for citizen’s benefit does not yet include an application for integration benefits (BSG vom 2. April 2014 - B 4 AS 29/13 R, margin number 27) - they must therefore be applied for separately.

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

## Please note:

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

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

When granting integration benefits, the Jobcenter must observe the following discretionary principles (§ 3 SGB II), among others:

- The integration benefits in question must be

*necessary* and *suitable* for you in order to eliminate or reduce your need for assistance.

- In principle, priority is given to integration benefits that promote the direct commencement of gainful employment or training; this includes, in particular, job placement or wage subsidies to employers. However, *priority is not given to placement* if permanent integration into gainful employment requires you to undergo further vocational training or retraining because you do not have a vocational qualification or your vocational qualification is no longer usable on the labour market (see Bundestag printed matter 20/3873, page 70).

## Our advice:

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

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

The benefits for integration into employment often refer to the funding provisions in SGB III via the reference provision in § 16 Abs. 1 SGB II. The integration benefits include, for example:

- Benefit from the **placement budget** (§ 44 SGB III), such as the assumption of the costs for job applications, travel to interviews or double budgeting when taking up work abroad,
- **Measures for activation and vocational integration** (§ 45 SGB III) e.g. application training, internships, assumption of costs for private employment agencies and smaller qualifications, e.g. a forklift driving licence,
- **Benefits for taking up vocational training**, from 1 April 2024, for example, also the assumption of travel costs and costs of accom-

modation away from home during a **vocational orientation internship** for young beneficiaries who have not yet made their final career choice ([§ 48a SGB III](#)) or support for young beneficiaries through a **mobility allowance** during the first year of participation in vocational training away from home eligible for funding under [§ 57 SGB III](#) ([§ 73a SGB III](#)),

- **Measures for vocational training and retraining** ([§§ 81-87 SGB III](#)): including continuing vocational training bonuses, continuing vocational training allowance in addition to the citizen's benefit (see next section for more details), if the support is approved for a further vocational training measure, those entitled to benefits usually receive an education voucher
- **Integration allowances** ([§§ 88-92 SGB III](#)) paid to employers for hiring an unemployed person, die für die Einstellung von Arbeitslosen gezahlt werden,
- **A start-up money** to set up a business for start-ups and for persons taking up employment subject to social insurance contributions, if the support is necessary for integration into working life ([§ 16b SGB II](#)); there is regularly a lack of necessity if the application for support is submitted only after the conclusion of the employment contract or the start of the activity,
- An **accompanying coaching and loan or subsidies for equipment and material to start-ups** and those already self-employed ([§ 16c SGB II](#)),
- The promotion of employment relationships for the **"integration of the long-term unemployed"** for persons who have been unemployed for at least two years ([§ 16e SGB II](#)),
- The promotion of employment ("**participation in the labour market**") for persons who are at least 25 years old and who have generally received unemployment benefit II or citizen's benefit for six years in the last seven years ([§ 16i SGB II](#)),
- **Job opportunities ("one-euro jobs") with an expense allowance** of 2.00 euro per hour worked ([§ 16d SGB II](#)).

The start of a job *can* be supported by care services for underage or disabled children, debt or addiction counselling or psychological and social support ([§ 16a SGB II](#)). In order to reduce or eliminate obstacles to the integration of persons eligible for benefits who are capable of working, the Jobcenter can also support persons eligible for citizen's benefit who are not capable of working ([§ 7 Abs. 2 Satz 2 SGB II](#)).

## Reductions in funding benefits in 2024

With the citizen's benefit reform, the federal government had announced a change in policy: people who are able to work and entitled to benefits should be better advised, supported and sustainably integrated into work through further vocational training and retraining. The fact that one year after the start of the reform, the federal government wants to make several hundred million euro less available for the support and placement of the unemployed in 2024 in order to restructure the federal budget does not fit in with this at all (see, for example, [Paritätischer Fachinfo of 2 February 2024](#)).

## Good to know:

A lack of budget funds is not a sufficient reason to reject your application for support – if you fulfil the requirements for support. The Jobcenters must manage the annual budget in such a way that money is available for every type of discretionary benefit throughout the financial year ([§ 71b Abs. 4 SGB IV](#)). However, the authorities can set priorities on the basis of "discretionary directives" in order to determine which groups of people they want to prioritise with the scarce funds. If your application is rejected, the Jobcenter must explain the discretionary aspects.

## 4. Who can receive continuing training bonuses and continuing training allowances?

### Continuing training bonus

Beneficiaries who are capable of working and who participate in a continuing vocational training measure funded under [§ 81 SGB III](#), by the Employment Agency or Jobcenter in which they obtain a vocational qualification (retraining) after a prescribed training period of at least two years, receive a **further continuing training allowance** of 150 euro per month in *addition* to the citizen's benefit

The funding is intended to *"create incentives ... to support low-skilled workers on the challenging path to completing vocational training" and "contribute to covering additional expenses incurred by participating in continuing vocational training over several years, such as expenses for digital offerings or for the procurement of additional specialist literature and work materials or for special travel and catering expenses and other expenses that may arise, for example, in connection with the formation of learning communities ..."* ([Bundestag printed matter 20/3873](#), pages 51 and 100).

The continuing education allowance is paid in arrears in the following month. The monthly lump sum of 150 euro is paid pro rata for partial months of participation in a programme. Part-time participation in a vocational training programme has no effect on the amount of the continuing education allowance.

## Good to know:

For people who receive unemployment benefit and only receive supplementary citizen's allowance, the further training allowance is paid by the Employment Agency (SGB III). In these cases, you can also receive the further training allowance in addition to the citizen's allowance, as it may not be taken into account in the citizen's allowance as "income earmarked for a specific purpose in accordance with public law regulations" (§ 11a (3) Satz 1 SGB II; [Technical Instructions of the Federal Employment Agency on Sections 11-11b SGB II](#), as of 1 July 2023, margin no. 11.82).

### Training bonuses

For successful completion of the intermediate and final examinations, participants in the aforementioned measures also receive **continuing training bonuses** of 1,000 euro and 1,500 euro respectively (§ 16 Abs. 1 Satz 2 Nr. 4 SGB II in conjunction with § 87a SGB III).

There is an entitlement to the further training bonus and the further training allowance if the relevant requirements are met. No separate application is required to claim them.

### Citizen's benefit bonus

From 1 July 2023, people eligible for citizen's benefit who are capable of work could receive a **citizen's benefit bonus** of 75 euro per month while participating in some SGB II support measures that do not lead to a vocational qualification and last at least eight weeks (§ 16j SGB II).

As part of the cuts for the 2024 federal budget, the citizen's benefit bonus has been cancelled again for measures started from 28 March 2024. Individuals who started a measure subsidised by the citizen's benefit bonus before this date will continue to receive the bonus as long as they participate in the measure, at the longest until the measure expires (see [Bundestag printed matter 20/9999](#), page 21).

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

According to [§ 3 Abs. 4 SGB II](#) the Jobcenters must work towards ensuring that employable benefit recipients who do not have sufficient knowledge of the German language acquire the language skills necessary for placement in employment. For this purpose, the Jobcenters make use of the support offered by the [Bundesamt für Migration und Flüchtlinge](#) (Federal Office for Migration and Refugees (BAMF)) for learning the German language.

These include, above all:

- the integration courses according to [§ 43 AufenthG](#) for general language learning, and
- the language support in vocational training/at work according to [§ 45a Abs. 1 AufenthG](#).

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

If the prerequisites for participation in the respective language promotion measure are met, persons without sufficient knowledge of German are requested to enrol at a course provider by concluding a cooperation agreement or an integration administration act (notice) and to participate in the measure after acceptance.

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

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

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

All income in money, that accrues to you during the period in which you are entitled to a citizen's benefit is taken into account as revenue.

Eligible incomes include, but are not limited to, income from gainful employment, interest and dividends, unemployment benefit, sickness benefit, child benefit, parental benefit, maintenance, most pensions, rental and leasing income, tax refunds and donations.

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

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

The crediting of catering/meal services as income is based on lump sums. Other monetary benefits provided by the employer are taken into account at their market value (§ 2 Abs. 5 und 6 Bürgergeld-V).

#### Income not to be taken into account

Income that is not to be considered income is, for example:

- Benefits in accordance with Social Code II, for example entry-level allowance and further training allowance, as well as benefits to secure livelihoods in accordance with Social Code XII (social assistance) and the Asylum Seekers Benefits Act (e.g. BSG of 25 June 2015 - B 14 AS 17/14 R and of 25 October 2017 - B 14 AS 35/16 R, margin no. 23),
- Pensions or benefits paid under the Federal Act on Compensation for Victims of National Socialist Persecution (Federal Compensation Act) for loss of life, physical injury or damage to health, up to the amount of the comparable compensation payments under Chapter 9 of SGB XIV – Social Compensation (§ 11a Abs. 1 Nr. 3 SGB II),
- Benefits provided by the foundations Mutter und Kind – Schutz des ungeborenen Lebens (“Mother and child – Protection of the unborn”) and Hilfe für die Familie (“Help for the family”),
- Allowance for the blind according to the state allowance for the blind laws, as well as allowance for hearing-impaired persons,
- Care allowance from the statutory long-time care insurance for the care of relatives (§ 1 Abs. 1 Nr. 4 Bürgergeld-V),
- 75 per cent of the care allowance for the educational use in full-time care for the first and second foster child and for the third child (§ 11a Abs. 3 Satz 2 SGB II),
- Compensation for pain and suffering according to § 253 Bürgerliches Gesetzbuch (German Civil Code),
- Monetary gifts to minors on the occasion of confirmation, communion, or comparable religious celebrations as well as on the occasion of the Jugendweihe (ceremony in which teenagers are given adult social status) up to an amount of 3,100 euro (§ 1 Abs. 1 Nr. 12 Bürgergeld-V),
- Income from the gainful employment of schoolchildren under 25 years of age at general or vocational schools if they work *during school holidays*. Schoolchildren entitled to training allowance are excluded from this regulation (§ 11a Abs. 7 SGB II),
- Child allowance which is demonstrably passed on to the child of the person in need of assistance who does not live in the household (§ 1 Abs. 1 Nr. 8 Bürgergeld-V),
- Expense allowances acc. to § 1878 BGB granted up to 3,000 euro per calendar year for persons, who work on a voluntary basis as legal guardians, custodians or caretakers (§ 11a Abs. 1 Nr. 4 SGB II),
- Income according to statutory provisions which serve a purpose other than citizen's benefit (e. g. employee savings allowance, housing premium) (§ 11a Abs. 3 Satz 1 SGB II), in accordance with the Housing Construction Premium Act, further training allowance in accordance with SGB III) (§ 11a (3) Satz 1 SGB II)
- The childcare supplement for BAföG recipients according to § 14b BAföG,
- Seized income if the seizure cannot or cannot easily be reversed for legal reasons, so that no ready means are available to cover needs BSG vom 10. Mai 2011 – B 4 KG 1/10 R, margin no. 19).



- The inflation compensation premium in the form of cash or non-cash benefits that employers can pay to mitigate increased consumer prices in the period from 26 October 2022 to 31 December 2024 up to a total of 3,000 euro tax-free pursuant to [§ 3 Nr. 11c EStG](#) (Income Tax Act) ([§ 1 Abs. 1 Nr. 7 Bürgergeld-V](#)).
- Tax-exempt income from voluntary activities pursuant to [§ 3 Nr. 12, 26 und 26a EStG](#) up to an amount of 3,000 euro per calendar year ([§ 11a Abs. 1 Nr. 5 SGB II](#)); activities for which, for example, the tax “coach allowance” can be claimed are eligible. For example, part-time activities as a trainer or coach in a non-profit sports club, as a part-time lecturer at an adult education centre or as an election worker are eligible. Part-time activities are those that do not exceed one third of a full-time position,
- Maternity benefit ([§ 19 MuSchG](#)) (Maternity Protection Act) of the statutory health insurance, but not the employer allowance on maternity benefits, during the protection period before and after the birth of a child ([§ 11a Abs. 1 Nr. 6 SGB II](#)) and
- One-off income from inheritances, legacies and compulsory portions ([§ 11a Abs. 1 Nr. 7 SGB II](#)) – they are added to the assets in the month following their receipt.

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

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

## Please note:

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

## Our advice:

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

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

If earnings are to be recognised as income, it is taken into account in accordance with the inflow or monthly principle in the calendar month in which it is received ([§ 11 Abs. 2 SGB II](#)). This also applies if they are only credited to the account on the last day of the month.

An exception may be income that is not paid for the month of receipt but for previous months or is paid in arrears. Additional payments that exceed the requirement in the month of receipt are offset against the requirement spread over six months from the month of receipt ([§ 11 Abs. 3 SGB II](#)). You can find out more about this in this Chapter in section 2.4 “Retroactively paid income”.

Special rules apply to income from self-employment when calculating monthly income (more on this in this Chapter in section 2.2 “Income from self-employment”).

Before income of any kind can be offset against the need, it must be adjusted for the statutory deductions. For the income type “earned income”, the legally prescribed adjustments are described in detail in the next section using the example of income from employment.

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

### 2.1 Income from gainful employment

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

#### a) Deduction amounts

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

- income tax, the solidarity allowance and
- compulsory contributions to statutory health,

long-term care, pension and unemployment insurance, insofar as they actually accrue (§ 11b Abs. 1 SGB II).

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

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

Particularly the employee exempt amount make sure that beneficiaries of citizen's benefit have more money available than without employment.

## Please note:

The 100-euro basic lump sum for employed persons and the allowance for gainfully employed persons apply not to beneficiaries who are not capable of working. Exception: Children under the age of 15 can also earn 100 euro per month without deductions (§ 1 Abs. 1 Nr. 9 Bürgergeld-V).

## Good to know:

In order not to disadvantage persons who are entitled to citizen's benefit and not capable of working, the Jobcenter grants an allowance amounting to 30 percent of their earned income, limited to 50 percent of the standard needs level 1 (2024: 281.50 euro) (BSG vom 24. November 2011 – B 14 AS 201/10 R).

Employed trainees, schoolchildren, students and participants in voluntary services under the age of 25 receive a basic lump sum free of charge in the amount of the marginal earnings threshold (2024: 538 euro per month). You can find out more about this below in this section.

Possibly, you can make further deductions.

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

If you are not subject to statutory insurance in the statutory health insurance scheme, your expenses for health and long-term care insurance may be deducted from your income *in individual cases*, provided they are reasonable § 11b Abs. 1 Satz 1 Nr. 3a SGB II. However, in the case of voluntarily

and privately insured persons – according to the instructions of the Federal Employment Agency - the granting of subsidies for health insurance contributions according to § 26 SGB II has priority over the deduction of these contributions from income. You can find out more about the topics “statutory insurance while receiving benefits” and “subsidies for insurance contributions” in Chapter 6 “How are recipients of citizen's benefits insured?”.

If you are exempt from statutory pension insurance, your expenses for old-age provision (e.g. for life insurances) are to be deducted from your income, as far as they are reasonable (§ 11b Abs. 1 Satz 1 Nr. 3b SGB II). Rather, this refers, for example, to persons who are insured in independent pension schemes (such as for architects or lawyers) and for this reason have been exempted from the statutory pension insurance obligation. Exemption from insurance, as is often the case for self-employed persons, is not sufficient for this purpose.

According to the instructions of the Federal Employment Agency, the aforementioned health and pension contributions are not part of the 100-euro basic lump sum and can be deducted additionally (Technical instructions on §§ 11-11b SGB II, as of 1 July 2023, margin no. 11.127).

## 100-euro basic lump sum for employed persons

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

The basic lump sum includes the following, among others (§ 6 Bürgergeld-V):

- Premiums for statutory insurance, in particular for motor vehicle liability insurance (one twelfth of an annual premium per month), but not for partial or fully comprehensive insurance,
- A monthly 30-euro insurance lump sum which covers all voluntary insurance, even if no insurance has actually been concluded; it normally applies only to beneficiaries of full age,
- Contributions to the “Riester pension scheme”

at a lump sum of three percent of gross income (the percentage is halved for families with one child entitled to allowances in the household, the value drops to zero for two children entitled to allowances), but at least five euro per month, and

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

## Our advice:

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

### Higher basic lump sum for employed trainees, schoolchildren, students and volunteers under 25 years of age

For employable trainees, pupils and students under the age of 25 as well as participants in federal and youth voluntary services under the age of 25 who are gainfully employed, the basic monthly allowance is not 100 euro, but 538 euro (from 1 January 2024) and 556 euro (from 1 January 2025) per month (§ 11b (2b) SGB II; Federal Gazette, General Section, 7 December 2023).

This basic lump sum is referred to below as the “basic lump sum for employed trainees, schoolchildren, students and volunteers under the age of 25” or – simply – as the “increased basic lump sum”.

The amount of this basic lump sum for employed trainees, schoolchildren, students and volunteers under the age of 25 is dynamic. It is based on the marginal employment or mini-job threshold, which in turn is linked to the development of the statutory minimum wage.

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

- a training programme eligible for funding under the Federal Training Assistance Act (BAföG) or
- an in-company or inter-company training pro-

gramme eligible for funding under SGB III or a pre-vocational training programme eligible for funding.

It is sufficient if the training is eligible for financial support; it is not necessary to receive state benefits for training support, for example BAföG or BAB, in order to receive the increased basic lump sum.

The increased basic lump sum is also to be deducted from earned income if

- schoolchildren at general or vocational schools *outside school holidays* are gainfully employed. This also applies for a three-month period after completing a general education programme. Income earned by these schoolchildren *during the school holidays* is not taken into account at all (more on this in this Chapter in section 1 “What income is taken into account and what is not?”).

The following also benefit from the increased basic lump sum

- Participants in federal or youth voluntary services who are younger than 25 years old.

## Good to know:

The pocket money that young adults earn as part of their voluntary service is considered income from gainful employment in this context. Up to the amount of the marginal earnings threshold, not only the pocket money from the voluntary services, but also the earned income that is earned in addition to the voluntary services is exempt from deduction.

All other employed trainees, schoolchildren and students, especially those who have reached the age of 25, will only receive the regular 100-euro basic lump sum for employed persons and the tax-exempt amount for employed persons from 100 euro per month.

## Please note:

If the 100-euro or increased basic lump sum is deducted from your earned income, the tax-free amount to which you are entitled if you receive training assistance benefits, for example BAföG or vocational training allowance, does not apply (for more details, see section 2.3 “Unearned’ income” under “Tax-free amounts” in this Chapter).

For participants in the Federal and Youth Voluntary Services who are 25 years and older, the pocket money, together with any other earned inco-

me, is exempt from deductions up to an amount of 250 euro per month (§ 11b para. 2b Satz 3 SGB II).

The basic lump sum for employed trainees, school pupils, students and volunteers under the age of 25 can be deducted not only from income from employment, but also from income from self-employment (more on the deduction of “income from self-employment” in section 2.2 in this Chapter).

### Tax exempt amount for gainfully employed persons

In addition to the basic lump sum of 100 euro for employed persons, who are eligible to benefits and are capable of working will receive a tax exempt amount for gainfully employed persons for a monthly gross wage of more than 100 euro (§ 11b Abs. 3 SGB II), namely in the amount of

- 20 percent for the part of the gross salary/wage that exceeds 100 euro but does not exceed 520 euro, and
- 30 percent for the part of the gross salary/wage that exceeds 520 euro but does not exceed 1,000 euro, and
- 10 percent for the part of the gross salary/wage exceeding 1,000 euro and not exceeding 1,200 euro. If you have at least one minor child, the tax exempt amount is calculated on a gross income of up to 1,500 euro.

In order not to favour working trainees, schoolchildren, students and volunteers under the age of 25, who receive a basic tax exempt amount free of charge in the amount of the low income threshold twice, they only receive the additional tax exempt amount for gainful employment if their gross income exceeds 520 euro per month (§ 11b Abs. 3 Satz 3 SGB II).

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

- continuation of salary payments by the employer in the event of illness, but not sick pay from health insurance,
- the employer’s supplement to maternity pay during the periods of protection for pregnant women before and after childbirth, but not maternity pay,
- short-time allowance, and
- insolvency payments.

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

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

The eligible income is determined as follows:

Monthly net income 1,300,00 euro  
less

- Basic lump sum 100,00 euro
- Tax exempt amount for gainfully employed persons 84.00 euro  
(20 percent from 100 to 520 euro gross income)
- Tax exempt amount for gainfully employed persons 144.00 euro  
(30 percent from 520 to 1,000 euro gross income)
- Tax exempt amount for gainfully employed persons 20.00 euro  
(10 percent from 1,000 to 1,200 euro gross income)

= creditable income 952,00 euro.

### b) Fluctuating income and provisional decision

Jobcenters must provisionally grant the citizen’s benefit if

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

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

Preliminary approval for employees is often triggered by wage or salary payments that fluctuate in amount from month to month. The Jobcenter then uses the available documents to forecast a monthly gross and net salary and issues a provisional decision. The duration of the approval period for provisional decisions is generally six months (§ 41 Abs. 3 Satz 2 SGB II).

Due to fluctuating income, an *average income* is often used as the basis for calculating benefits when granting provisional citizen’s allowance. Provisional benefits must always be calculated in such a way that the monthly need is covered by your income and the supplementary citizen’s benefit in each month of the approval period (§ 41a (2) Satz 2 SGB II).

According to the legislator, an (actual) income that is below the provisionally forecast income up to the amount of the tax exempt amount for gainfully employed persons is also sufficient to cover

the minimum subsistence level (§ 41a Abs. 2 Satz 2 SGB II). This is because the income tax exempt amount for gainfully employed persons results in a total income that is above the minimum subsistence level in the amount of the tax-exempt amount. *“In the amount of this deduction, it is harmless until the final decision [for securing the minimum subsistence level] if the actual income falls short of the projected income”* (Bundestag printed matter 20/3873, page 94).

**Example:** Ms F. works shifts and receives a monthly fluctuating salary. The Jobcenter has based its provisional benefit approval on an income of 800 euro gross and 720 euro net in each month of her approval period. Ms F.’s tax exempt amount for gainful employment amounts to 168 euro per month (20 per cent from 100 euro to 520 euro = 84 euro plus 30 per cent from 520 euro to 800 euro = 84 euro).

In the third month of her benefit period, Ms F. actually only receives a net income of 560 euro. Although this amount is at 160 euro, however, it is not below the provisional net income of 720 euro by the amount of the allowance for gainfully employed persons (168 euro). Mrs F.’s minimum subsistence level as described above is guaranteed.

## Good to know:

If your actual income falls significantly below the income provisionally taken as a basis in a month of the approval period, you can also apply to – during the ongoing approval period – for a final determination of the entitlement to benefits for individual months. If your minimum subsistence level in the above sense is not guaranteed due to a reduced income, your request must be complied with in any case according to the current instructions of the Federal Employment Agency (Technical Instructions of the Federal Employment Agency on Section 41a SGB II, as of 1 July 2023, paragraph 41a.27).

## Our advice:

If there are significant changes in circumstances retrospectively, such as an unforeseeable *permanent* reduction in your salary, you may request an amended provisional decision taking this into account for *future decisions*.

After the end of the approval period, you will usually be asked to submit your pay slips for the past six months. If you do not fulfill your obligation to provide sufficient information, you may be required to repay the benefits that were only

provisionally approved § 41a Abs. 3 Sätze 2 bis 4 SGB II). For more information, see “Final decision” in section “3. Income from self-employment” in this Chapter.

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

## Good to know:

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

## Our advice:

If you had assumed less income in the approval period than in the forecast and the Jobcenter has not yet made a final decision, you can demand a final decision upon request. You will then receive citizen’s benefit.

When finally determining the entitlement to benefits, the Jobcenter will set off the income from employment to the need on the exact monthly period; the regulations listed in Section 2.4 of this Chapter must be observed in the case of subsequent payments of wages.

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

## 2.2 Income from self-employment

Self-employed people often have an irregular monthly income. As a rule, they receive a provisional approval of their citizen’s benefit for a period of six months.

In the case of seasonal or strongly fluctuating income over the course of the year, a twelve-month approval period can also be used as a basis (§ 41 Abs. 3 Satz 2 SGB II). In this way, the legislator aims to ensure that income from the high-income months of the year is also included in the calculation of the citizen’s benefit.

The comments in the previous section “Fluctuating income and provisional decision” apply accordingly to self-employed persons. However, the

special provisions of [§ 3 Bürgergeld-Verordnung](#) must also be observed when offsetting income from self-employment.

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

### Step 1

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

## Our advice:

Include in your forecast only those revenues that you are sure to generate during the approval period. Changes to reduce the amounts of the forecast during the six-month period are often difficult to be accepted by the Jobcenters.

Tax regulations do not apply in Social Code II. The Jobcenter checks whether operating expenses are necessary. Self-employed persons are expected to keep their operating expenses as low as possible ([§ 3 Abs. 2 und 3 Bürgergeld-V](#)).

## Our advice:

You should discuss expensive purchases for your self-employment with the Jobcenter beforehand. Otherwise, you run the risk that the expenditure will not be recognised. Make it credible that the purchases are necessary for the continuation of the business and that your need for help can therefore be ended more easily. There is no legal obligation to obtain the Jobcenter’s prior approval.

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

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

According to the instructions of the Federal Employment Agency, an equal distribution of the *an-*

*ticipated* income is exceptionally not considered if the income fluctuates significantly during the grant period and the subsistence would not be secured if the income were distributed evenly in the *provisional* decision ([Fachliche Weisungen der Bundesagentur für Arbeit zu § 41a SGB II](#), (Expert directives of the Federal Employment Agency on Sect. 41a Social Code II) as per 1 July 2023, margin number 41a.20).

### Step 2

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

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

If you are self-employed as a trainee, pupil, student or volunteer you can even deduct up to 538 euro from your monthly profit in 2024 as a basic lump sum. However, the tax-exempt amount that is deducted from a training allowance will then no longer apply if you receive a corresponding grant (for more details, see section 2.3 “Less’ income” under “Tax-exempt amounts” in this Chapter).

## Please note:

Beneficiaries who are not able to work will not receive the 100 euro basic lump sum or the basic lump sum of currently 538 euro, nor the tax-exempt amount for gainfully employed persons, but - like social assistance recipients in SGB XII - only a tax-exempt amount of 30 percent of their earned income, limited to 50 percent of standard needs level 1 (2024: 281.50 euro).

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

- Advance payments on income tax or subsequent payments to the tax office,
- Contributions to unemployment insurance for self-employed persons who have taken out such insurance upon application in accordance with [§ 28a SGB III](#),
- Contributions to statutory pension insurance for self-employed persons who are subject to

compulsory insurance pursuant to [§ 2 SGB VI](#) or

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

## Please note:

If your income from self-employment exceeds 400 euro per month, it is possible to increase the basic 100-euro lump sum if your expenses exceed 100 euro per month. Which expenses can be taken into account is explained in this Chapter in section 2.1 “Deduction amounts” under “100 euro lump sum”.

The adjusted monthly profit is deducted from your allowances.

**Example:** *Ms B. has worked as a freelance interpreter in the Neukölln district for many years. During the six-month approval period, she will probably receive income of 7,200 euro. Her operating expenditure is expected to be 480 euro over the same period. She has taken out unemployment insurance on application ([§ 28a SGB III](#)) and pays a monthly contribution of rounded-up 92 euro (2024).*

*Her eligible income is calculated as follows:*

### Step 1

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

*less*

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

*= Profit per month 1,120 euro.*

### 2. Schritt

*Monthly profit in the amount of 1,120 euro less*

*– monthly contribution to unemployment insurance (contribution Berlin-West), 92 euro*

*– basic lump sum 100 euro*

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

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

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

*= eligible amount is 688 euro.*

## Good to know:

As long as you are self-employed and receive as person capable of working “supplementary” citizen’s benefit, you are covered for health insurance via the Jobcenter. No further health insurance contributions are then required.

## Final decision

At the end of the approval period you have to submit a final income tax statement. The Jobcenter issues the final decision based on the actual income and expenditure in [Anlage EKS](#). (Annex Income from self-employment). In the final decision, the Jobcenters distribute the actual income from self-employment evenly over the individual months of the grant period or over the months of the grant period in which self-employment was exercised ([§ 3 Abs. 4 Bürgergeld-V](#)).

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

## Our advice:

If the Jobcenter asks you to report your income and expenses in [Anlage EKS](#) (Annex Income from self-employment) for the final decision, you should comply with the request. The Jobcenters are entitled to reclaim the provisionally paid benefits if you do not comply with your duty to provide information in full or in good time ([§ 41a Abs. 3 SGB II](#)). If you have missed the deadline and the Jobcenter asks you to return the benefits, you should lodge an appeal against this decision and submit the final income statement with the required evidence in time. The Federal Social Court has ruled that your documents must then still be taken into account until the appeal proceedings before the Regional Social Court (BSG of 12.September 2018 - [B 4 AS 39/17 R](#) and of 29.November 2022 – [B 4 AS 64/21 R](#)).

### 2.3 “Effortless” incomes

The 100 euro basic lump sum for employed persons and the basic lump sum for trainees, schoolchildren, students and volunteers under the age of 25 (do not apply to income that does not come from gainful employment, for example unemployment benefit, sickness benefit, injury benefit, alimony, disability pensions or child benefit.

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

### Special conditions for child allowance

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

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

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

### Tax exempt amounts

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

- 100 euro per calendar year of capital gains (interest, dividends) (§ 1 Abs. 1 Nr. 3 Bürgergeld-V) (Citizen’s Benefit Ordinance) the capital gains tax and solidarity allowance payable on such income are also deductible,
- at least 100 euro per month from the vocational training allowance for in-company trainees, the training allowance in accordance with Social Code III, the training assistance in accordance with BAföG or the comparable benefits provided by the organisations for the promotion of gifted individuals unless the 100 euro basic lump sum for employed persons or the lump sum for employed trainees, pupils, students and volunteers under the age of 25 (2024: 538 euro per month) has already been taken into account, for example due to the payment of a training allowance or other earned income (§ 11b Abs. 2b Satz 4 SGB II),
- up to 300 euro per month from scholarships acc. to the Stipendienprogramm-Gesetz (scholarship programme act),
- up to 300 euro per month from the (basic) parental allowance, insofar as the income before birth was used for its calculation; the corresponding exemption is halved for persons who receive the Parental AllowancePlus (parental allowance-plus = double the period of entitlement with half the parental allowance if parents do not work after the birth) (§ 10 Abs. 1

und 5 Bundeselterngeld- und Elternzeitgesetz - BEEG) (Federal Parental Allowance and Parental Leave Act).

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

*How is the parental allowance taken into account?*

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

- 100 euro per month plus 30 percent of the gross amount of old-age and reduced earning capacity pensions in excess of this, but not more than an amount equivalent to 50 percent of the standard needs level 1 (2024: 281.50 euro). The prerequisite is that the pensioners in question can provide evidence of at least 33 years of basic pension periods in accordance with § 76g Abs. 2 SGB VI in the statutory pension insurance scheme or comparable periods of coverage in other mandatory old-age insurance schemes (§ 11b Abs. 2a SGB II; § 82a SGB XII). It is not necessary for recipients of benefits to actually be entitled to a basic pension supplement.

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

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

For a better understanding: Old-age pensioners and pensioners with a permanent full reduction in earning capacity are excluded from SGB II benefits. However, if they live in a community at need with persons eligible for benefits who are capable of working, their pension may be taken into account as income for the other members of the community at need (for



more information, see Chapter 4 in section 1. under “Distribution of income in the community at need”). The new basic pension allowance reduces the possible income transfer from these pensioners to the other members of the community at need.

The tax-exempt amount will only be deducted from the pension until the Jobcentre receives notification of the basic pension periods or the comparable periods from the respective pension provider. As soon as the proof is available, the allowance will be taken into account, also retroactively, but at the earliest as of 1 January 2021 ([§ 69 SGB II](#)).

## 2.4 Retroactively paid income

For income that is not recognised for the month in which it is received, but for previous months special offsetting rules apply. Retroactive payments in this context can be, for example: Retroactive payments of sickness pay, unemployment benefit, BAföG (student loan) or child benefit as well as retroactive wage or salary payments.

If the need for assistance of the entire community at need ceases to exist by taking into account the adjusted retroactive payment in the month in it is received, the retroactive payment must be divided evenly over a period of six months from the month in which it is received and taken into account monthly with a corresponding partial amount ([§ 11 Abs. 3 SGB II](#)). The distribution period of six months is not limited by the end of an approval period.

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

- Step 1:** *The back paid unemployment benefit exceeds the couple’s monthly needs. Deductions for advance adjustment of income do not apply here*
- Step 2:** *Distribution of the back payment over six months: 1,800 euro/6 months = 300 euro per month*
- Step 3:** *Adjustment of the distributed back payment:  
300 euro less 30 euro insurance lump sum and 30 euro for motor vehicle liability insurance = 240 euro monthly creditable income in the following six months*

If the entitlement to benefits remains despite taking into account the adjusted income in the month in which it is received, the inflow principle applies and the additional payment is only offset against the need in the month in which it is received.

## Please note:

Remuneration that is not paid until the following month according to the employment contract is not an additional payment within the meaning of SGB II ([Technical Instructions of the Federal Employment Agency on Sections 11-11b SGB II](#), as of 1 July 2023, paragraph 11.10).

## Good to know:

If social benefits for which allowances are granted in accordance with SGB II, such as BAföG (student loan), vocational training allowance or basic pension, are only paid out retrospectively due to delayed approval, the allowances must be taken into account for each month paid in arrears before the income is distributed, according to the instructions of the Federal Employment Agency (see [Technical Instructions of the Federal Employment Agency on §§ 11-11b SGB II](#), status: 1 July 2023, margin number 11.13a). The conditions under which allowances can be deducted from BAföG (student loan), the vocational training allowance or the basic pension can be found in section 4 of this Chapter under “Tax-exempt amounts”.

The entitlement to benefits ceases completely if, after distribution of the adjusted on-time revenue, the entitlement no longer exists in all six months. The funds have not been used are considered as assets after the six months and are thus protected by asset exempt amounts acc. to [§ 12 SGB II](#).

## Chapter 10 | How are assets taken into account?

Assets are monetary and material assets that you already had *before* you applied. Assets include, for example, cash, money in current accounts, savings books, shares or other securities, life insurance policies, private pension insurance and tangible assets such as motor vehicles, residential property or land. Tangible assets that you acquire *while* receiving benefits from the basic income support for jobseekers also count as assets.

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

### 1. Which assets can be used?

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

The following assets (§ 12 Abs. 1 SGB II) are, among others, excluded:

- reasonable household effects;
- an adequate motor vehicle (car, motorcycle or moped) for each person of working age in the community at need. A motor vehicle is considered reasonable if its sales proceeds – after deduction of the liabilities attached on the motor vehicle - do not exceed an amount of euro 15,000;
- an owner-occupied adequate residential property. A living space of 130 square meters is considered *adequate* for a condominium for up to four occupants and a living space of 140 square meters for an owner-occupied single-family house. For each additional resident, the appropriate living space is increased by a further 20 square meters. In cases of particular hardship, even larger living spaces can be recognized;
- *insurance contracts intended for retirement provision*;
- all forms of *old-age provision that are explicitly subsidized as old-age provision under federal law*, for example “Riester pensions” or occupational pensions under the German Occupational Pensions Act;
- in the case of self-employed persons, other assets, *irrespective of the form of investment*, if they are (subjectively and objectively) intended for retirement provision. This also applies to former self-employed persons, regardless of how long ago they were self-employed and

whether they received SGB II benefits during this period. For each year or part thereof of full-time self-employment in which no contributions were paid to the statutory pension insurance, for example also within the framework of the artists’ social insurance, or to a public-law insurance institution or pension scheme of a professional group, an amount of up to 8,000 euro (as of 1 January 2024) is not to be utilised;

**Example:** *After almost ten years of full-time self-employment without any further cover in the statutory pension insurance or a pension scheme, the maximum amount of assets not to be taken into account is 80,000 euro. Up to this amount at most, assets designated by the applicant as being for old-age provision are not taken into account in the means test. If the realisable assets exceed this amount, the asset allowances (see “2. What are the asset allowances?”) must be deducted from the excess amount.*

- Assets which are indispensable for starting or continuing vocational training or gainful employment, for example the motor vehicle used for business purposes (§ 7 Abs. 1 Bürgergeld-V);
- Things and rights, as far as their exploitation is obviously uneconomical or would mean a special hardship.

### 2. What types of tax-exempt amounts for assets exist?

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

#### During the waiting period (Karenzzeit)

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

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

Persons who already received basic income support benefits as of 1 January 2023 before the Citizen’s Benefit Act came into force can also take

advantage of the one-year waiting period. The reason: Receipt of benefits under Social Code II or Social Code XII before 1 January 2023 is not to be counted toward the waiting period (§ 65 Abs. 3 SGB II). The waiting period is only used up by periods of citizen's benefit receipt from 1 January 2023.

**Example:** Mr N. has been receiving unemployment benefit II or citizen's allowance continuously since 1 July 2022. His waiting period began on 1 January 2023 and ended on 31 December 2023.

**Example:** Ms P. received unemployment benefit II until the end of October 2022 and then took up temporary employment for twelve months. As the unemployment benefit is not sufficient to cover her living expenses, Ms P. applies for (top-up) citizen's benefit on 15 November 2023. Her one-year waiting period begins on 1 November 2023.

## Please note:

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

The following special regulations apply during the waiting period:

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

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

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

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

## Please note:

Unmarried children under the age of 25 only belong to the community at need if they are in need of assistance. If they have assets, which is above their (own) tax-exempt amount for assets, they do not belong to the community at need (§ 7 (3) Nr. 4 SGB II). In this case, it is not possible to transfer unused tax allowances of the parents to the children).

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

The waiting period must be determined individually for each person in the community at need. As a result, there may be individually different waiting periods within a community at need, for example after the inclusion of another person in the community at need who has not yet received a citizen's benefit (after 31 December 2022).

**Example:** Mr A., who is employed and has not previously been in need of assistance, moves in with his partner, who is in need of assistance, and their son. The three of them now form a joint community at need. Mr A. has assets of 60,000 euro. Ms B. and her son have no assets; their waiting periods have already expired.

**Result:** Mr A. has a waiting period (of his own) of one year. During this period, the community at need has a total allowance of 70,000 euro (40,000 euro plus 2 x 15,000 euro) and Mr A does not have to use his assets to support himself.

In the case of "overlapping" waiting periods, there are cases in which communities at need can benefit from the higher allowances in the waiting period for a continuous period of more than one year.

**Example:** Mr M. has assets of 40,000 euro. He has already been receiving citizen's benefit for ten months when he marries and forms a joint household with his wife. Ms M. has assets of 10,000 euro.

*Result:* As Ms M. (after 1 January 2023) was not yet in receipt of citizen's benefit, she has a waiting period of twelve months after marrying and joining her husband's community at need. During this period, Mr and Ms M. have a total allowance of 55,000 euro (40,000 euro plus 15,000 euro). Mr M. does not have to use his assets to support himself for a total of 22 months.

#### After expiry of the waiting period

After the end of the waiting period, each person in the community at need has an asset allowance of a lump sum of 15,000 euro, regardless of age. Unused allowances of one person can - with the exception described above - be transferred to other persons in the community at need (§ 12 Abs. 2 SGB II).

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

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

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

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

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

Unlike in case of income, the monthly principle does not apply when assets are taken into account. An entitlement to citizen's benefit arises from the day of the month from which the assets are below the relevant tax-free amount. The Jobcenter must then grant benefits on a pro rata basis for the calendar month in question (BSG vom 20. Februar 2020 - B 14 AS 52/18 R).

If the assets of an unmarried child under 25 living in the parents' household exceed the child's tax-exempt amount, only the child is not in need of help. This leads to the exclusion of the child from the community at need and the entitlement to benefits according to Social Code II (§ 7 Absatz 3 Nr. 4 SGB II).

#### Please note:

If the relevant assets cannot be used immediately, but only can be used at a later date, you are considered to be in need nonetheless (§ 9 Abs. 4 SGB II). Consequently, you receive then citizen's benefit as an interest-free loan (§ 24 Abs. 5 SGB II). If the assets probably cannot be realised during the entire period of grant (as a rule: twelve months), without you being responsible for this, citizen's benefit is to be granted as a subsidy. The Jobcenter decides again at the beginning of each period whether your assets can be used (Federal Social Court of 6. Dezember.2007 - B 14/7b AS 46/06 R; see also Social Code II knowledge database on sect. 12, article "Nießbrauch/Nicht selbst genutztes Wohneigentum" [Usufruct/Non-self-used residential property]).

## Chapter 11 | How are alimony and maintenance claims taken into account in alimony?

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

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

The transfer of claims (§ 33 SGB II) is only possible for maintenance claims of

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

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

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

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

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

### Our advice:

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

### Please note:

The Jobcenter is not entitled to make payment of the benefit conditional upon your prior claim for maintenance

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

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

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

### 1. What are failures to report?

You fail to report if you receive citizen's benefit or social assistance and do not comply with a request from the Jobcenter to register personally or to appear at a medical or psychological examination without important reason (§ 32 SGB II). The regulation applies to all benefit recipients, whether they are capable of working or not.

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

### Please note:

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

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

If the conditions for a sanction are fulfilled, the failure to report results in a reduction of the benefit by ten percent of the relevant standard need (2024: 56.30 euro per month for single persons) for a period of one month. The reduction shall commence in the month following receipt of the

sanction notice. In the case of several reporting failures in succession, several sanctions are also possible at the same time. The reduction amounts are then added together, but may not exceed a total of 30 percent of your standard need.

### 2. What are breaches of duty?

As a person who is capable of working, you commit a breach of duty if, despite written notification about the legal consequences or their knowledge and without important reason

- refuse to fulfil the obligations set out in a request for cooperation in accordance with § 15 Abs. 5 oder Abs. 6 SGB II,
- refuse to take up or continue a reasonable job, training, work opportunity or a subsidised employment relationship or to prevent its completion through your conduct, or
- refuse not to take, drop out or give cause that you drop out of a reasonable measure for integration into employment (§ 31 Abs. 1 SGB II).

A breach of duty also includes, for instance, if

- persons entitled to citizen's benefit who are capable of working terminate their employment without good cause or give cause for termination of employment through a breach of the employment contract, or
- adult persons entitled to citizen's benefit reduce income or assets for the purpose of receiving or increasing benefits (§ 31 Abs. 2 SGB II).

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

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

The amount and duration of the sanctions are, as a general rule, based on the number of established breaches of duty in a given period (§ 31a Abs. 1 SGB II).

- After a (first) breach of duty, the citizen's benefit may be reduced for one month by an amount equal to 10 percent of the applicable standard need (2024: 56.30 euro for single persons).

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

- In the event of a further (second) breach of duty within one year of the occurrence of the last sanction, the benefit is to be reduced for two months by an amount equal to 20 percent of the relevant standard need per month (2024: 112.60 euro per month for single persons).
- After each further (third, fourth ...) breach of duty committed within one year after the occurrence of the respective last reduction, benefits are reduced for three months at a time by an amount equal to 30 percent of the relevant standard need per month (2024: 168.90 euro per month for single persons).

## Good to know:

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

If there are several breaches of duty or if breaches of duty and failures to register coincide, reduction periods may overlap. However, the reductions - except in cases of a "sustained refusal to take up work" - may not exceed a total of 30 per cent of the relevant standard need per month. Reductions in excess of this in individual months are forfeited.

### 4. What are the sanctions for a "persistent refusal to take up work"?

As part of the savings for the 2024 federal budget, the sanction options in SGB II are to be tightened again. If recipients of citizen's benefit, without good cause, "*persistently refuse to take up reasonable work and thus deliberately maintain or fail to reduce their need for assistance*" ([Bundestag printed matter 20/9999](#), page 21), Jobcenters may temporarily cut benefits for standard needs completely. The costs for accommodation and heating and additional needs may not be reduced.

Several conditions must be met in order for those capable of work and entitled to benefits to be sanctioned for a "*persistent refusal to take up work*":

- The person entitled to benefits *deliberately* refuses to take up reasonable work.
- The possibility of taking up work must actually exist and the work can be taken up *immediately*. This is the case, for example, if those entitled to benefits refuse to conclude an employment contract despite the employer's promise of employment. The "*immediate possibility of taking up employment*" is regularly lacking if persons entitled to benefits merely do not respond to a job interview invitation or do not apply for a job offer from the Jobcenter.
- The person entitled to benefits must have already had their citizen's benefit reduced once within the last year due to a breach of duty. In this context, only breaches of duty such as
  - refusal to take up reasonable work, training or a subsidised employment relationship in accordance with [§ 16e SGB II](#) or
  - thwarting the realisation of such employment ([§ 31 Absatz 1 Satz 1 Nummer 2 SGB II](#)) or
  - the occurrence of a blocking period in accordance with SGB III or the existence of the conditions for the occurrence of a blocking period, for example the termination of an employment relationship or the loss of a job as a result of a breach of the employment contract, if this causes unemployment intentionally or through gross negligence ([§ 31 Absatz 2 Nummer 3 oder Nummer 4 SGB II](#)).

According to the wording of the law, a previous loss of the standard requirement pursuant to Section 31a (7) Social Code II does not constitute such a previous breach of duty (see also the [Federal Employment Agency's technical instructions on §§ 31-31b SGB II](#), as of 28 March 2024, margin number 31.46b).

- The person entitled to benefits must have been informed of the consequences of their behaviour (loss of the standard requirement) before refusing work or they must have been aware of the corresponding legal consequences.

## Please note:

The new sanctions paragraph contains several so-called undefined legal terms, so that it is uncertain when a full reduction of the standard need is justified and when it is not. It remains unclear, for example, what exactly is meant by a “wilful refusal” or how it differs from a refusal to take up work (§ 31 Abs. 1 Satz 1 Nummer 2 SGB II), which is already required as a prerequisite for the “normal” reductions of 10, 20 or 30 per cent in the standard need.

It is also worth noting that in its 2019 ruling (1 BvL 7/16), to which the legislator refers when introducing the new sanction regulation, the Federal Constitutional Court made a complete withdrawal of subsistence benefits dependent on the immediate availability of work being “sufficient to secure livelihoods” (margin number 209). However, this is no longer mentioned in the new sanction regulation.

The complete cancellation of the standard need may last a maximum of two months (§ 31b Abs. 3 SGB II). If it is no longer possible to take up work immediately before the end of the two-month period, i.e. for example, because the job offered has been filled elsewhere, the sanction must be cancelled from this point onwards. The same applies as soon as those entitled to benefits take up the offered job before the end of the sanction period. In the opinion of the Federal Employment Agency, the basis for the cancellation of the standard need in accordance with Section 31a (7) Social Code II no longer applies if it is no longer possible to take up work immediately during the hearing procedure, i.e. before the start of the threatened sanction (Technical instructions, margin number 31.46h). However, this may constitute a breach of duty under § 31 Satz 1 Abs. 1 Nr. 2 SGB II.

The provisions on stricter sanctions apply for a limited period until 27 March 2026 (§ 86 SGB II).

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

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

- A sanction is not permitted if, in a specific individual case, it represents *extraordinary hardship* for the person entitled to benefits due to special circumstances (§ 31a Abs. 3 SGB II). In particular, a reduction will not be considered if integration into work or the reduction of the need for assistance is jeopardised as a result. Extraordinary hardship could, for example, exist if the reduction of funds specifically thre-

atens homelessness or the loss of contact with the Jobcenter, especially due to psychological problems of the beneficiary. The reduction of the financial benefit in itself should not constitute an exceptional hardship.

- A sanction may not reduce the benefits for accommodation and heating (§ 31a Abs. 4 Satz 2 SGB II). This can mean that there is no reduction in benefits under SGB II if there is only a supplementary entitlement to benefits for the costs of accommodation and heating as a result of income (see Bundestagsdrucksache 20/3873 (Bundestag printed matter 20/3873), page 93).
- A sanction may not be imposed if more than six months have passed since the time of the breach of duty or the failure to report (§ 31b Abs. 1 Satz 3 SGB II).
- A sanction must be terminated prematurely if citizen's benefit recipients subsequently cooperate in the fulfilment of their obligations, but before the sanctions expire, for example by taking part in an integration measure proposed by the Jobcenter. If subsequent fulfilment of the obligation is no longer possible, the duration of the sanction must nevertheless be terminated prematurely if beneficiaries subsequently declare their credible willingness to fulfil their obligations in future (§ 31a Abs. 1 Satz 6 SGB II). The duration of the sanction is then, however, at least one month (please note deviating provisions for the duration of sanctions in case of “persistent refusal to take up work” in section 4 of this Chapter).

## Good to know:

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



## Chapter 13 | What are your duties to cooperate?

### Do you have to take claim primary benefits?

Anyone applying for or receiving social benefits is obliged to cooperate (§§ 60 bis 64 SGB I).

The following therefore applies:

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

The obligation to cooperate does not apply in particular if you cannot reasonably be expected to cooperate for an important reason, for example due to special circumstances in your personal life (§ 65 SGB I).

If you do not fulfil your obligation to cooperate without good cause and thereby make it considerably more difficult to clarify the facts of the case, you must expect that your benefits will be refused or withdrawn in whole or in part (§ 66 SGB I). Withdrawal and refusal of benefits is a discretionary decision that requires the Jobcenter to weigh up the pros and cons.

Before the benefits are denied or taken away from you, you must have been notified of these legal consequences in writing and you must have been granted a reasonable period of time to cooperate.

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

If you have deliberately or negligently violated your duties to cooperate and thereby received benefits from the Jobcenter to which you were

not entitled, the Jobcenter may impose a fine on you (§ 63 Abs. 1 Nr. 6 und Nr. 7 und Abs. 2 SGB II). In addition, you will have to repay the overpaid amounts.

#### Please note:

Your duty to cooperate does not extend to providing information on the income and assets of third parties, for example persons liable for maintenance payments. Similarly, you must not suffer any financial disadvantages if your landlord refuses to provide you, as a subtenant, with the main tenancy agreement that the Jobcenter requires from you. If third parties do not co-operate, you may not be refused social benefits for this reason.

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

#### Good to know:

Due to the housing allowance reform effective 1 January 2023, and in order to relieve the housing allowance offices, you were *temporarily not* required to claim housing allowance. This applies only for the duration of an approval period that have started by 30 June 2023 (including continued approvals) (§ 85 SGB II). However, in this case you are free to apply for housing benefit voluntarily. Get advice beforehand on whether it is possible for you to switch to housing benefit and whether it is financially worthwhile for you.

If you refuse to apply for priority benefits despite a request from the Jobcenter to do so, the Jobcenter itself *can* submit the application to the other social security agency (§ 5 Abs. 3 SGB II). This does not represent a reason for the Jobcenter to deny or discontinue the benefits under Social Code II. However, there may be negative effects on your

benefits if the application was already submitted by the Jobcenter and you fail to cooperate in the current administrative procedure of the priority social benefits agency, for instance by failing to provide necessary documents. Exception: If the Jobcenter has submitted an application for an early retirement pension for you, you do not need to cooperate.

### Please note:

Questions about data protection cannot be answered in this practical guide.

### Our advice:

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

## Chapter 14 | Can beneficiaries get annual leave?

If you want to travel, you will need, as a general rule, the approval of your Jobcenter if you are able to work. Persons who are not able to work and children under the age of 15 do not need permission to travel (you can find out more about this in Chapter 3 in the subsection “Lack of reachability”).

The Jobcenter can approve a stay outside the immediate area “without good cause” for a total of up to three weeks (including Sundays and public holidays) in a calendar year. If there are “*special circumstances*” authorisation can also be granted for a period of more than three weeks ([§ 7b Abs. 3 SGB II](#); [§ 7 ErrV](#)).

Leave can be refused by the Jobcenter if your absence *significantly* impairs your placement in training or work. A significant impairment exists, for example, if there is a concrete offer for training or work or a *concrete* job interview is pending that can no longer be accepted or attended after you return from your holiday.

### Good to know:

If you top up your income subject to social insurance contributions with citizen’s benefit, the Jobcenter must grant you leave for the duration of the leave entitlement to which you are entitled under employment law.

If you receive a citizen’s benefit in addition to your unemployment benefit, the permission from the employment agency to be absent from work also constitutes consent to stay outside the immediate area of the Jobcenter ([§ 8 ErrV](#)).

You should apply for leave two to three weeks in advance if possible, but usually at least five days in advance.

### Our advice:

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

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

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

KiZ is available upon application to the relevant [Familienkasse](#) (Institution responsible for taking care of paying child allowances). Enter your post-code in the field “Find service” at the bottom right of the ‘Familienkasse’ website.

First of all, the prerequisites for KiZ are that

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

### Please note:

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

### Good to know:

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

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

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

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

With this regulation, the legislature wants to enable more families in the low-wage sector who are entitled to basic support but do not take advantage of it (“hidden poverty”) to have access to KiZ.

### Good to know:

Recipients of KiZ - like citizen’s benefit recipients – are entitled to benefits for education and participation ([§ 6b BKGG](#)) and to a non-contributory childcare period ([§ 90 Abs. 4 SGB VIII](#)). In Berlin, the district housing offices are responsible for approving BuT benefits for KiZ beneficiaries. Applicants can also contact the [district citizens’ offices](#).

### Amount and duration

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

Each child to be considered receives KiZ up to a maximum of 292 euro per month in 2024 (2023: 250 euro) including immediate supplement for children. The actual payment amount is calculated taking into account the eligible income and assets of the parents and the respective child. The calculation of the KiZ is complicated - therefore only a few hints can be given.

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

## Good to know:

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

## Our advice:

If your income decreases or your housing costs increase during the KiZ grant period and you are in need of help according to Social Code II, you can receive citizen's benefit in addition to KiZ.

The child's income determined in this way, such as maintenance, advance maintenance payments or the training allowance, is credited at 45 percent of the child's KiZ entitlement, i.e. deducted from the 250 euro. If there are several children, the allowances determined for each child are combined to form a total child allowance.

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

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

**Table 15**  
Parents' share of housing costs when receiving KiZ

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

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

**Example:** Ms G. is a single parent with two children (2 and 4 years old). Her gross pay is 1,650 euro per month (about 1,330 euro after deductions). The mother receives child allowance in the amount of each 250 euro per month. [At the editorial deadline, it was not yet clear whether there will be an increase in child allowance in 2024]. In addition, she receives an *Unterhaltsvorschuss* (advance on maintenance) in the amount of each 230 euro per month. In addition, the family receives top-up citizen's benefit of 249.40 euro and the immediate supplement for children of 20 euro per child per month. The monthly rent (incl. heating and hot water) is 681.72 euro. There are no assets. In that case, to simplify matters, it is assumed that the income earned in the last six months is unchanged.

Can the family switch from citizen's benefit to KiZ? Is the switch worth it financially?

### Berechnung:

#### Step 1:

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

#### Step 2:

The *Unterhaltsvorschuss* (advance on maintenance) for the children reduces the KiZ by 103.50 euro each (45 percent of 230 euro). The remaining KiZ per child amounts to 188.50 euro per month (292 euro less 103.50 euro), the total KiZ is 377 euro.

#### Step 3:

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

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

563.00 euro (standard need)  
+ 202.68 euro (additional need for single parents)  
+ 429.48 euro pro rata housing requirements (63 percent of 681.71 euro)  
= 1,195.16 euro.

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

1,330.00 euro (remuneration after deductions)  
– 378,00 euro (basic lump sum and allowance due to gainful employment)  
= 952.00 euro.

#### Step 4:

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

- a.) *The family's monthly SGBII need consist of*  
 563.00 euro (regular needs for single parents)  
 + 202.68 euro (additional need for single parents)  
 + 357.00 euro (regular needs of children under 6 years)  
 + 357.00 euro (regular needs of children under 6 years)  
 + 681.72 euro (rent incl. utilities)  
 = 2,161.40 euro.
- b.) *The monthly eligible income of the family is*  
 952.00 euro (creditable part of the income after deductions)  
 + 500 euro child allowance  
 + 460 euro advance maintenance payment  
 + 377 euro total KiZ  
 + 330 euro expected housing allowance  
 = 2,619 euro.

**Result:** Ms G. can opt for KiZ. The family will then have - with KiZ and housing allowance - additional 417.16 euro per month at their disposal compared to the amount of citizen's benefit and the immediate supplement for children (707 euro from KiZ and expected housing allowance compared to 289.40 euro from citizen's benefit and the immediate supplement for children).

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

The Jobcenters often ask families to apply for KiZ and housing benefit. Both benefits have priority over citizen's benefit (note the explanations in Chapter 13 "What are your obligations to cooperate? Do you have to claim primary benefits"). If you do not comply with the request, the offices can make the applications themselves (§ 5 Abs. 3 SGB II).

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

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

tended access" to KiZ.

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

### Please note:

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

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

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

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

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

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

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

The Senate Department responsible for Social Affairs clarifies in its implementing regulations for the social welfare offices: EU citizens and their family members as well as persons from the EEA

states who are nationals of a signatory state of the European Welfare Agreement and who have the same status under residence law are to be granted "regular" assistance for subsistence (3. Kapitel des SGB XII), even if they are capable of working. The exclusions from social assistance according to § 23 Abs. 3 Satz 1 Nr. 2 und Nr. 3 SGB XII do not apply to them (AV § 23 SGB XII vom 25. Juni 2021, Punkt II.8.).

If the foreigners described at the beginning are not EFA nationals, they are, according to the will of the legislator, only entitled to **bridging benefits** "until they leave the country" according to § 23 Abs. 3 Satz 3 bis 6 SGB XII "until their departure". They will, at most for one month, receive

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

The law does not require the foreigner to *intend* or be *willing* to leave the country (see BSG of 13 July 2023 - B 8 SO 11/22 R, margin no. 27).

Bridging benefits can only be claimed once within two years.

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

The prevailing view in case law is that the scope of the hardship provision for bridging benefits must be interpreted narrowly. The 10th Senate of the Berlin-Brandenburg Regional Social Court, for example, is of the opinion "that only very exceptional individual situations, such as serious permanent illnesses that justify an inability to travel, can justify the granting of benefits" (judgement of 27

July 2023 - [L 10 AS 311/19](#), margin no. 68; similarly LSG Berlin-Brandenburg of 18 October 2023 - [L 4 AS 106/20](#)).

The view previously expressed by the LSG Berlin-Brandenburg in its judgement of 11 July 2019 ([L 15 SO 181/18](#)) that the hardship provision should be interpreted broadly for constitutional reasons is no longer upheld by the court. The Senate had taken the view that EU citizens affected could claim the presumption of a right to freedom of movement and claim bridging allowance as long as the immigration authority had not taken any measures to terminate their stay, i.e. their stay was de facto tolerated (LSG Berlin-Brandenburg, decision of 24 May 2022 - [L 8 AS 449/22 B ER](#), margin no. 18).

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

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

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

## Please note:

Citizens of the Union should - if necessary – point out the relevant passages in the circular letter to the case workers. However, the social courts are not bound by the administrative regulation.

## Our advice:

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

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

### 1. Objection

You can lodge an objection against a decision by the Jobcenter within a **period of one month** (§ 84 Abs. 1 SGG). The time limit begins on the day the notice arrives in your letterbox. If you receive it significantly later than the date stated on the notice, keep the envelope with the postmark as proof in the event of a dispute.

#### Good to know:

If you run out of time to meet the deadline, you have the option of lodging an objection within the deadline and justifying it later. In this case, however, you should point out to the authority that you still need to provide your reasons.

If the Jobcenter's decision does not contain any information on legal remedies or if it is incorrect or incomplete, for example because there is no indication that the objection can also be lodged in electronic form, the deadline for the objection is one year (§ 66 (2) SGG; BSG deadline report of 27 September 2023 - B 7 AS 10/22 R).

An effective objection must also be **in due form**. An objection in due form requires that it is either

- in writing,
- in electronic form by means of a qualified electronic signature or in another form of electronic written form replacement, or
- submitted for the record at the responsible Jobcenter.

For the written objection, the original letter with a handwritten signature is generally required, but sending the objection by fax with your signature is also sufficient, provided there is no doubt as to the authorship of the person making the objection. We also recommend sending the application by post. An objection made verbally or by telephone to the case worker is not sufficient.

#### Our advice:

If you are sending the objection by post, you should do so by registered letter with acknowledgement of receipt. This way you can later prove that you lodged the objection on time if it gets lost at the Jobcenter.

Even an objection by *simple email* does not meet the formal requirement (e.g. LSG Niedersachsen-Bremen, ruling of 4 November 2021 - L 11 AS 632/20). If the objection is submitted via an account opened for email communication, a qualified electronic signature that replaces the signature of the author is required (§ 36a (2) SGB I). Find out whether the email address provided by the Jobcenter is prepared for emails with a digital signature.

Other electronic forms of objection that replace the written form in accordance with § 36a (2a) SGB I and section 9a (5) OZG [still being planned at the time of going to press] are also possible if the identity of the sender is guaranteed. For example, the Federal Employment Agency offers the option of lodging an objection online on its portal [www.arbeitsagentur.de/eservices](http://www.arbeitsagentur.de/eservices) if you have previously identified yourself using the new ID card (nPA) with active online ID function. Citizens of the EU and EEA can identify themselves online with an [eID card](#) and third-country nationals with an activated electronic residence permit (eAT). To be able to use the function, you must also log in with a username and password.

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

The objection must include your name, address and the date of the decision, against which your objection is directed. It should also include your signature and the number of persons in your community of needs.

You should give reasons for your objection. You do not need to provide legal texts or to name paragraphs. It is sufficient if you write, for example, that you believe the decision contains an error or that you cannot understand the calculation.

#### Good to know:

The objection has a suspensive effect in the case of decisions on the reimbursement of benefits. In this case, you do not have to make any repayments until the Jobcenter has decided on the objection.



## 2. Legal action

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

### Our advice:

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

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

### Good to know:

Objections and complaints can be worthwhile. For example, according to the Federal Employment Agency (see "3.1 Processing of objections and lawsuits by type of settlement") and own calculations, in 2023, 33% of all objections to Jobcenters and 35% of all lawsuits before the social courts were at least partially successful across Germany.

## 3. Missed the deadline for objection? – Request for review

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

## 4. The Jobcenter does nothing? – Legal action for failure to act

The Jobcenter must make a final decision on an objection within three months and on a request within six months. If this does not happen and

there is no reason for the delay, for which you are responsible, it is admissible to bring legal action for failure to act.

### Our advice:

Before you file an action for failure to act, you can notify the Jobcenter in writing that the statutory deadline has expired and threaten the action and point out that the statutory deadline has expired. In most cases, this is sufficient to force a decision.

## 5. When things have to go fast – emergency request

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

## 6. Government aid for lawyers' fees

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

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

A distinction must be made between

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

Certain income and asset limits apply in order to qualify for government support. The income of persons who receive SGB II benefits regularly lies within the income limits. The current income limits or income allowances for counselling and legal aid are published in the 2024 legal aid announcement.

However, when it comes to assets, the limits of [§ 90 SGB XII](#) in conjunction with [Verordnung zur Durchführung des § 90 Abs. 2 Nr. 9 SGB XII](#) apply. According to this, single persons are entitled to assets of 10,000 euro and married persons to assets totalling 20,000 euro. For each further person predominantly maintained by the beneficiary, in particular children, 500 euro are added. If you have more assets, you will not receive any assistance with legal advice. Recipients of legal aid have to use assets in excess of the exemption amount; it reduces the legal aid requirement.

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

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

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

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

### Please note:

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

### Our advice:

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

### 8. Ombuds services in the Jobcenters

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

### Our advice:

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

### Please note:

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

## Chapter 18 | Benefits for people with little money

### 1. Visits to the doctor and medication

If you receive citizen's benefit and are covered by statutory health insurance, there are special hardship provisions and exemptions from co-payments for medical services for you and the members of your community at need. Corresponding benefits also apply to privately insured persons in the basic tariff (Allgemeine Versicherungsbedingungen für den Basistarif) (General insurance conditions for the basic tariff).

#### Hardship case regulation for dental prostheses

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

#### Exemption from co-payments for medications

Upon application to your health insurance company, you are exempt from co-payments in the current calendar year for the purchase of medications, for inpatient treatment in a hospital or for necessary ambulance services if you have reached the general co-payment limit of two percent of the annual requirement of standard requirement level 1 (12 x 563 euro) (§ 62 Abs. 2 Satz 6 SGB V). The co-payment limit in 2024 is 135.12 euro. For the chronically ill, a co-payment limit of one percent applies, i.e. 67.56 euro in 2024. Who is considered "chronically ill" is regulated by the so-called Chroniker-Richtlinie (Directive for chronically ill persons). The respective co-payment limit applies to the co-payments of all members of the community at need. Children and young people under the age of 18 are always exempt from all co-payments with the exception of travel expenses.

### Our advice:

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

### Free contraceptives

Until your 22nd birthday, you will receive free contraceptives on prescription as a service from your health insurance company (§ 24a SGB V). Until your 22nd birthday, you will receive free contraceptives on prescription as a service from your health insurance company Charlottenburg-Wilmersdorf, Friedrichshain-Kreuzberg, Marzahn-Hellersdorf, Mitte and Steglitz-Zehlendorf.

### 2. Exemption from public broadcasting service fees

As a recipient of citizen's benefit, you can, upon application, be exempted from the obligation to pay public broadcasting service fees. Recipients of the supplementary child allowance and housing allowance can not be exempted. However, an exemption is possible in special hardship cases, for example if your applicable monthly income is less than 18.36 euro – the monthly amount of the licence fee applicable at the beginning of 2024 - is above the citizen's benefit claim (§ 4 Abs. 6 und 7 Rundfunkbeitragsstaatsvertrag) (Interstate Agreement on Broadcasting Licence Fees). You can find out how your income is taken into account in Chapter 9 "How are incomes taken into account".

Further information can be found at [www.rundfunkbeitrag.de](http://www.rundfunkbeitrag.de). The information is available in many languages. A certificate for the service fee contribution is enclosed with your citizen's benefit notice.

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

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

For example, if you receive citizen's benefit, housing benefit, child allowance, BAföG or asylum seeker benefits, you are exempt from paying the personal contribution. The school will provide your child with all required learning materials free of charge upon presentation of the Berlin-Pass BuT. The prerequisites for the benefit must be ful-

filled at the beginning of the school year on August 1 of the year and must be proven to the school management, usually no later than four weeks before the start of the summer holidays. Further information can be found at: [www.berlin.de/sen/bildung/unterricht/medien/lehr-und-lernmittel](http://www.berlin.de/sen/bildung/unterricht/medien/lehr-und-lernmittel).

#### 4. Subsidized ticket and more

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

##### Proof of entitlement

The new proof of entitlement replaces the previous Berlin Pass. It is intended to facilitate participation in social life and it offers discounted access in Berlin to museums, theaters, concerts, cinemas, the zoo, the Zoological Garden, the Botanical Garden, libraries, courses at the adult education center or the music school, or other institutions. In combination with the VBB customer card Berlin S, you can use public transport in Berlin at a reduced price (Berlin Ticket S).

In addition to recipients of citizen's benefit, recipients of housing benefit, social assistance (SGB XII) and asylum seeker benefits also receive the proof of entitlement. Receiving child allowance alone, without housing benefit, is not sufficient.

The members of the community at need of beneficiaries can also receive the proof of entitlement. This includes persons who are not entitled to basic income support themselves due to their income, but whose income is taken into account by the other members of the community at need.

The proof of entitlement will be reissued and sent to you automatically after the first and each subsequent approval of citizen's benefit. However, certain groups of benefit recipients do not automatically receive the proof of entitlement: Persons without a place of residence or members of a community at need who do not receive benefits themselves (see above) must request the proof of entitlement separately from the Jobcenter.

The proof of entitlement is generally valid for the duration of the citizen's benefit. You can find information at: [www.berlin.de/sen/soziales/soziale-sicherung/bn-berlin-ticket-s/](http://www.berlin.de/sen/soziales/soziale-sicherung/bn-berlin-ticket-s/)

##### Berlin Ticket S (Social Ticket)

The Berlin Ticket S or Social Ticket is a discounted monthly ticket for local public transport and allows you to use all public transport in Berlin

(fare zone AB). The Social Ticket is available at sales points, from ticket machines or in the BVG or Berlin S-Bahn apps. The price for the Social Ticket is 9 euro per month and is initially valid until the end of 2025 ([press release from the Press and Information Office of the State of Berlin dated 10 October 2023](#)).

To be able to use the Social Ticket, you also need the VBB customer card Berlin S. The VBB customer card must be presented together with the Berlin-Ticket S at ticket inspections. Don't forget to enter the number of the VBB customer card Berlin S on the Berlin-Ticket S or in the app beforehand. With the VBB customer card Berlin S, you are also entitled to discounts in the areas of education, culture, leisure and sport.

You can apply for the VBB customer card Berlin S via the Berliner Verkehrsbetriebe [online application portal](#) or in writing.

You will need internet access and an e-mail address to apply online. You must upload a photo or scan of your identity document (ID card, passport or other official proof of identification with passport photo) and your proof of entitlement with QR code as well as a photo of yourself to the online application portal.

The hardcopy form for the VBB customer card Berlin S is available to Jobcenter benefit recipients at the [district citizens' offices](#) and [on our website](#). You can then send the completed application form together with the other documents (copy of your identity document, copy of your proof of entitlement with QR code and a photo of yourself) by post to the BVG or put it in a sealed envelope in special letterboxes in front of or in the [BVG customer centres](#).

##### Transitional regulation:

If you have not yet received proof of entitlement received from your service centre or the requested VBB customer card Berlin S is not yet you can temporarily use the Berlin-Ticket S *temporarily* with your valid benefit certificate (copy) together with your identity card. You may partially [blacken](#) your benefit notice.

All three documents must be presented at ticket inspections. A passport or other official proof of identification with a passport photo is also sufficient to prove your identity. For young people under the age of 16, a school ID card can be used.

**Do not forget:** You must enter the number of your community at need on the Berlin Ticket S or in the

app, which can be found on your citizen's benefit notice.

A guide on the Internet shows you step by step how to use the Berlin Ticket S: [www.berlin.de/sen/soziales/soziale-sicherung/bn-berlin-ticket-s/schritt-fuerschritt-zum-berlin-ticket-s-1288281.php](http://www.berlin.de/sen/soziales/soziale-sicherung/bn-berlin-ticket-s/schritt-fuerschritt-zum-berlin-ticket-s-1288281.php)

Check the [BVG](http://www.bvg.de) website or the [competent Senate Administration](http://www.senate-berlin.de) to see whether the transitional regulation is still in force.

### Free ticket for schoolchildren

Schoolchildren in Berlin can apply for a free ticket for local public transport. For the AB fare zone, most schoolchildren can use the "fahrCard" as a travel authorisation and order it at [www.bvg.de/schuelerticket](http://www.bvg.de/schuelerticket). Further details can be found in Chapter 7 in section 1.2 f) "School transport".

### Family pass

For the price of six euro, you will receive attractive discounts on admission for children up to and including the age of 17 to public pools, concerts, cinemas, theatres, museums and many other facilities in and around Berlin for a whole year. There are also special offers for low-income families. Further information and the addresses of the sales outlets can be found at [www.jugendkulturservice.de/de/ferien-und-familienzeit/berliner-familienpass](http://www.jugendkulturservice.de/de/ferien-und-familienzeit/berliner-familienpass).

### Super holiday pass

For the price of nine euro, young people from Berlin up to and including the age of 18 have free admission to the outdoor and indoor swimming pools of the Berliner Bäder-Betriebe on all holiday days. The pass also gives you one-time free admission to the zoo and animal park or radio and television tower. The pass can be financed via the education and participation package (BuT) (see Chapter 7 section 1.3 "Benefits for participation"). Further information and the addresses of the sales outlets can be found at [www.jugendkulturservice.de/de/ferien-und-familienzeit/super-ferien-pass](http://www.jugendkulturservice.de/de/ferien-und-familienzeit/super-ferien-pass).

### Free participation in cultural events

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

### 3-euro ticket for cultural events

Numerous Berlin stages and concert halls offer tickets at a price of three euro for recipients of unemployment citizen's benefit if the performances are not sold out. More information at:

[www.berlin.de/sen/kultur/kulturpolitik/kulturelle-teilhabe/ermaessigungen](http://www.berlin.de/sen/kultur/kulturpolitik/kulturelle-teilhabe/ermaessigungen)

### Using libraries free of charge

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

### Adult Education Centres (VHS)

The Berlin VHS centres offer reduced course prices for numerous groups of people.

More information at

[www.berlin.de/vhs/volkshochschulen/](http://www.berlin.de/vhs/volkshochschulen/)

### Music schools

The fees may be reduced according to social circumstances. Make some enquiries in your music school. Addresses: [www.berlin.de/sen/kultur/kultureinrichtungen/musikschulen/adressen/](http://www.berlin.de/sen/kultur/kultureinrichtungen/musikschulen/adressen/)

### Save electricity

The Caritas campaign "Check to Save Electricity" helps people with low incomes to reduce their electricity consumption. In addition to information on saving energy, you will also receive energy-saving light bulbs or switchable plug connectors free of charge. You also get up to 200 euro – depending on the number of persons in a household – for a new refrigerator if you want to replace your old one with an energy-saving model. Addresses: [www.stromspar-check.de/standorte/standorteliste.html](http://www.stromspar-check.de/standorte/standorteliste.html)

### Food for the home

If you have little money, you can get food once a week for one euro at one of the Berliner Tafel's food banks. Addresses:

[www.berliner-tafel.de/berliner-tafel](http://www.berliner-tafel.de/berliner-tafel)

### Discount markets and department stores

You can buy toys, reconditioned bicycles and much more for little money at the discount markets of Goldnetz. Find out about the current market dates at: [www.goldnetz-berlin.org](http://www.goldnetz-berlin.org). Clothing, household goods, furniture and electrical appliances are available at low prices in the discount department stores. Addresses: Enter "Sozialkaufhaus Berlin" in your search engine.

## Chapter 19 | Where can you find advice and support?

### 1. Citizen's benefit counselling

You will find a selection of independent counselling services regarding citizen's benefit in the Berlin districts on our website [www.beratung-kann-helfen.de](http://www.beratung-kann-helfen.de) under the menu "Beratung" (Counselling). Under the same menu you will also find an overview of social services concerning many other subjects.

The locations of our mobile citizen's benefit counselling bus can be found at [www.beratung-kann-helfen.de](http://www.beratung-kann-helfen.de). From April to October, our counselling bus is parked directly in front of one of Berlin's Jobcenters.

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

#### General independent social counselling

The general independent social counselling service is aimed at individuals and families with economic, existential, psychosocial, educational and/or health problems. It is open to all individuals and families of all ages seeking help, regardless of gender, nationality, religious denomination or ideology.

People seeking advice should first contact the counselling centres in their district. Counselling focuses on the benefits of the basic security systems SGB II and SGB XII: [www.berlin.de/sen/soziales/besondere-lebenssituationen/uebergreifende-angebote/allgemeine-unabhaengige-sozialberatung](http://www.berlin.de/sen/soziales/besondere-lebenssituationen/uebergreifende-angebote/allgemeine-unabhaengige-sozialberatung)

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

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

#### Sanktionsfrei e.V.

The non-profit organisation provides a free tool for writing appeals via the online platform <https://plattform.sanktionsfrei.de> as well as legal advice if required. The association can financially compensate for sanctions imposed by the Jobcenter from a solidarity pot financed by donations as long as there is money in the pot: <https://sanktionsfrei.de>

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

All Berlin districts offer free initial counselling for tenants in their district. Information on counselling locations and times can be found at <https://stadtentwicklung.berlin.de/wohnen/mieterberatungen.shtml>.

Tenants from Kreuzberg-Friedrichshain can turn to the Asum Association if they have any questions regarding tenancy law. The advice is free of charge. More information at: [www.asum-berlin.de/mieterberatung](http://www.asum-berlin.de/mieterberatung)

Getting advice from the Berliner Mieterverein or the Berliner Mietergemeinschaft requires that you are a member of that association. People receiving benefits under the provisions of Social Code II and XII are charged a reduced membership fee. In individual cases the Jobcenter takes over the costs for the membership (see Chapter 5 in section 3.5a) - membership in a tenant organisation).

### 3. Debt counselling

#### Recognized counselling centres

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

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

#### Energy debt

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

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

### 4. Advice on pregnancy, maternity and family

#### General pregnancy counselling

The counselling centres will inform you about maternity leave and maternity benefit, the parental allowance and child allowance, benefits for single parents and the unemployed as well as health insurance benefits during pregnancy and after childbirth. More at:

[www.berlin.de/sen/gesundheit/schwangerschaft-und-kindergesundheit/schwangerschaft-und-familienplanung/allgemeine-schwangerenberatung-1364739.php](http://www.berlin.de/sen/gesundheit/schwangerschaft-und-kindergesundheit/schwangerschaft-und-familienplanung/allgemeine-schwangerenberatung-1364739.php)

### Abortion counselling

Abortion counselling helps pregnant women who are distressed or conflicted. The counselling is required under German law so that an abortion can be carried out without penalty. More at: [www.berlin.de/sen/gesundheits/themen/schwangerschaft-und-kindergesundheit/schwangerschaft-und-familienplanung/schwangerschaftskonfliktberatung](http://www.berlin.de/sen/gesundheits/themen/schwangerschaft-und-kindergesundheit/schwangerschaft-und-familienplanung/schwangerschaftskonfliktberatung)

### Help for Families foundation

Pregnant women and families in Berlin can receive benefits from the “Stiftung Hilfe für die Familie” (Help for Families foundation) in addition to citizen’s benefit.

Help for pregnant women:

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

Help for families:

[www.stiftunghilfe.de/index.php?id=67](http://www.stiftunghilfe.de/index.php?id=67)

### Centres for sexual health and family planning

These centres provide advice on pregnancy, family planning, marriage and partnership as well as on sexually transmitted infections, including HIV and AIDS. The centers are located in Charlottenburg-Wilmersdorf, Friedrichshain-Kreuzberg, Marzahn-Hellersdorf, Mitte and Steglitz-Zehlendorf: <https://service.berlin.de/standorte/gesundheitsaemter>

## 5. Assistance in case of impending or existing homelessness

You can get help if you are threatened with the loss of your home or if you no longer have a home or other housing.

### Social housing assistance of the districts

The responsible local authority is the Social Welfare Office of the district in which you live. Separate regulations apply to persons without a permanent residence or registered address in Berlin.

Locations:

<https://service.berlin.de/dienstleistung/324485/>

### Independent counselling centres

- Counselling centre for people in need of housing  
Levetzowstraße 12a, 10555 Berlin,  
Telephone: (030) 3 90 47 40  
[www.wohnungslos-berlin.de](http://www.wohnungslos-berlin.de)
- GEBEWO pro - counselling centre for housing emergencies and securement of livelihood  
Taborstr. 17, 10997 Berlin,  
Telephone: (0 30) 53 15 68 50  
[www.gebewo-pro.de/beratungsstelle](http://www.gebewo-pro.de/beratungsstelle)

- Immanuel Beratung Lichtenberg  
Counselling centre  
Bornitzstrasse 73-75, Buidling B, 10365 Berlin,  
Telephone: (0 30) 5 50 09 118  
<https://beratung.immanuel.de/wo-wir-sind/berlin-lichtenberg/wohnhilfen/>
- Rent debt counselling at GEBEWO – Soziale Dienste - Berlin gGmbH:  
[www.gebewo.de/mietschuldnerberatung](http://www.gebewo.de/mietschuldnerberatung)

### Guide by Kältehilfe (help in cold weather) Berlin

Addresses of places to stay overnight in an emergency, of night cafés, day centres, meeting points, soup kitchens and medical care facilities for the homeless, counselling, clothing depots, hygiene. There is also a free cold weather assistance app available for [IOS](#) and [Android](#) [www.kaeltehilfe-berlin.de](http://www.kaeltehilfe-berlin.de)

## 6. Migration counselling

Do you need help in finding a suitable language course? Do you have questions about official documents you receive from government agencies? Do you need help in finding a school, an apprenticeship or a job?

### Willkommenszentrum (Welcome Centre) Berlin

This is your first stop if you have questions regarding your residence permit and rights under Germany’s social law, access to the labour market as well as training and further education opportunities. Advice is provided in many languages. Address: Potsdamer Straße 65, 10785 Berlin, Telephone: (0 30) 90 17 23 26

Website in nine languages:

[www.berlin.de/willkommenszentrum](http://www.berlin.de/willkommenszentrum)

### Counselling centres of the welfare associations

The counselling centres inform, advise and help you with all questions. Depending on the Centre, the counselling services can also be provided in Arabic, French, Italian, Polish, Russian, Spanish and Turkish.

Overview of services in the Berlin districts:

[www.berlin.de/einwanderung/assets/beratungliga-wohlfahrtsverbaende.pdf](http://www.berlin.de/einwanderung/assets/beratungliga-wohlfahrtsverbaende.pdf)

### Berliner Beratungszentrum für Migration und Gute Arbeit BEMA (Berlin Counselling Centre for Migration and Good Work BEMA)

BEMA supports migrant workers in exercising their labour and social rights. BEMA provides advice in 13 different languages. More information at: [www.bema.berlin](http://www.bema.berlin)

### Refugee Council Berlin

Helpful hints on questions of immigration and social law as well as a comprehensive address book with refugee counselling centres in Berlin: [www.fluechtlingsrat-berlin.de](http://www.fluechtlingsrat-berlin.de). The [Asylberatungs-Infoblatt](#) (Asylum Counselling Information Sheet) contains counselling centres for migrants who have problems with their residence permit.

## 7. Counselling for people without health insurance

The **Clearingstelle der Berliner Stadtmission** (Clearing Office of the Berlin City Mission) advises people without residence papers, people from EU countries and third countries as well as Germans without sufficient health insurance coverage. During the consultation, you can have it clarified whether you can get access to health insurance. The consultation is free of charge, confidential and multilingual. Contact us: Zinzendorfstr. 18/ Ecke Levetzowstraße, telephone: (0 30) 6 90 33 59 72. More at: [www.berliner-stadtmission.de/clearingstelle](http://www.berliner-stadtmission.de/clearingstelle)

**Medibüro Berlin** arranges anonymous and free treatment by qualified medical staff for people without residence status and without health insurance. More information at: <https://medibuero.de>

Through the **Malteser Hilfsdienst** people without health insurance can also find doctors and health care professionals who will perform the initial examination and provide emergency care in case of sudden illness, injury and pregnancy. More information at: [www.malteser-berlin.de/angebote-und-leistungen/medizin-fuer-menschen-ohne-krankenversicherung](http://www.malteser-berlin.de/angebote-und-leistungen/medizin-fuer-menschen-ohne-krankenversicherung)

**Medizin hilft e. V.** The open outpatient clinic for people without health insurance offers free medical help, psychological psychotherapy and social counselling for migrants, refugees with limited access to the state healthcare system, people without residence status and without health insurance. More at: <https://medizin-hilft.org/>

## 8. Continuing education counselling

Our Internet platform [www.beratung-kann-helfen.de/beratung/beratungstellen/weiterbildung](http://www.beratung-kann-helfen.de/beratung/beratungstellen/weiterbildung) offers you an overview of the counselling centres for continuing vocational training funded by the State of Berlin.

### Specific counselling services

The [Jugendberufsagentur Berlin](#) (Berlin Youth Careers Agency) advises and supports **young people between the ages of 15 and 25** at twelve locations in finding the right apprenticeship or course of study.

**Women** can also obtain advice on questions of professional reorientation and further training via the free support hotline 0800 4 54 02 99 (Monday to Friday from 10 a.m. to 4 p.m.). You can find out more about “Counselling Network Career Perspectives for Women” at [www.frauen-berufsperspektive.de/beratungs-telefon](http://www.frauen-berufsperspektive.de/beratungs-telefon).

People with disabilities and people threatened by disabilities can make use of the “Supplementary independent participation counselling” (EUTB) on issues of rehabilitation and participation. The EUTB is funded by the Federal Ministry of Labour and Social Affairs (BMAS). Addresses of counselling centres in Berlin can be found at [www.teilhabeberatung.de/beratung/beratungsangebote-der-eutb](http://www.teilhabeberatung.de/beratung/beratungsangebote-der-eutb).

## 9. Energy counselling

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

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



### **Energy saving counselling at Stromspar-Check**

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

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

### **10. Counselling for single parents**

On the website <https://alleinerziehend-berlin.de/beratungsstellen> you will find contact points for counselling or specific assistance, for example on the topics of securing a livelihood, childcare or claims after separation/divorce (maintenance).

## Annexes

### I. Overview:

#### Guideline values and limit values for reasonable accommodation costs and reasonable heating requirements in Berlin according to AV-Wohnen

#### Reasonable and recognizable accommodation costs (reference values for gross rent excl. heating and hot water) as of 1 October 2023

### Please note:

The Jobcenter will pay the actual gross rent (excl. heating and hot water) for the first 12 months in which you receive benefits after December 31, 2022. There will be no review of adequacy during this so-called waiting period. The waiting period and the assumption of the actual accommodation costs are excluded if the Jobcenter has already recognized only the reasonable accommodation costs as a need for your currently occupied accommodation at an earlier point in time. After the end of the waiting period, your gross rent (excl. heating and hot water) will be covered in full for an **existing tenancy** if it does not exceed the values of the expenses to be recognized (columns 3 and 4 in tables 1 and 2). In the case of a **new tenancy** (also during the waiting period), the Jobcenter will usually only pay your gross rent (excl. heating and hot water) up to the reference value or reference value in public housing, possibly plus a climate bonus and/or a hardship surcharge. In the case of (imminent) homelessness, a new rental supplement of up to 20% (possibly more), calculated on the simple reference value, is also possible (tables 3 and 4). Not all surcharges and combination of surcharges are included in the tables for new tenancies.

**Table 1:**  
Existing flats

Size of the community of need Number of persons	(simple) reference value gross rent (excl. heating and hot water)	Recognisable accommodation costs* for an existing tenancy monthly in €	
		including relocation avoidance surcharge (+15%)	including hardship surcharge (+10%) and relocation avoidance surcharge (+15%) **
1	2	3	4
1	449.00	516.35	561.25
2	543.40	624.91	679.25
3	668.80	769.12	836.00
4	752.40	865.26	940.50
5	903.72	1.039.28	1.129.65
for each additional person	106.32	122.27	132.90

\* taking into account a flat-rate surcharge also to avoid uneconomical relocations

\*\* calculated on the simple standard value

**Table 2:**  
Existing flats in social housing construction (1st subsidy channel)

Size of the community at need Number of persons	(simple) reference value gross rent (excl. heating and hot water) for the social residential construction	Recognisable accommodation costs* in social housing with <b>existing tenancy</b> monthly in €	
		including relocation avoidance surcharge (+15%) **	including hardship surcharge (+10%) and relocation avoidance surcharge (+15%) **
1	2	3	4
1	494.00	561.35	610.75
2	598.00	679.51	739.31
3	736.00	836.32	909.92
4	828.00	940.86	1,023.66
5	994.50	1,130.06	1,229.51
for each additional person	117.00	132.95	144.65

\* taking into account a flat-rate surcharge also to avoid uneconomical relocations

\*\* calculated on the simple standard value

**Table 3:**  
New tenancies of residential space

Size of the community at need Number of persons	Reasonable accommodation costs for <b>new tenants</b> monthly in euro			
	(simple) reference value gross rent (excl. heating and hot water)	including hardship surcharge (+10%)	including new tenant surcharge (+20%)	including new tenant surcharge (+20%) *** and hardship surcharge (+10%)
1	2	3	4	5
1	449.00	493.90	538.80	592.68
2	543.40	597.74	652.08	717.29
3	668.80	735.68	802.56	882.82
4	752.40	827.64	902.88	993.17
5	903.72	994.09	1,084.46	1,192.91
for each additional person	106.32	116.95	127.58	140.34

\*\*\* New tenancy supplement for homeless persons, persons at risk of homelessness and other persons; calculated on the basis of the simple reference value

**Table 4:**  
**New tenancies for social housing (1st subsidy channel)**

Size of the community at need Number of persons	Reasonable accommodation costs for <b>new tenants</b> monthly in euro			
	(simple) reference value gross rent (excl. heating and hot water) for the social Residential construction	including hardship surcharge (+10%)	including new tenant surcharge (+20%) ***	including new tenant surcharge (+20%) *** and hardship surcharge (+10%)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1	494.00	543.40	583.80	642.18
2	598.00	657.80	706.68	777.35
3	736.00	809.60	869.76	956.74
4	828.00	910.80	978.48	1,076.33
5	994.50	1,093.95	1,175.24	1,292.77
for each additional person	117.00	128.70	138.26	152.09

\*\*\* New tenancy supplement for homeless persons, persons at risk of homelessness and other persons; calculated on the basis of the simple reference value

### Appropriate heat consumption (limits for heating with/without hot water) as of 1 January 2023

#### Please note:

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

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

Table 5:

Limit values for heating with heating oil, natural gas, district heating and heat pumps

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

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

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

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

## II. Sources and documents

### Laws and regulations

All laws and ordinances mentioned in the text can be found in their current version at [www.gesetze-im-internet.de](http://www.gesetze-im-internet.de). Under the heading “Title search”, enter the name or abbreviation of the respective law or ordinance.

The Residence Act and the Freedom of Movement Act/EU are also filed there in an English version, but not in the current version.

The General Administrative Regulations (AVV) for the Freedom of Movement Act/EU can be found at [www.verwaltungsvorschriften-im-internet.de/bsvwvbund\\_03022016\\_MI12100972.htm](http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_03022016_MI12100972.htm).

### Decisions of German courts

Many decisions of German social courts (from all three instances) are available in the database at [www.sozialgerichtsbarkeit.de](http://www.sozialgerichtsbarkeit.de) and decisions of the Federal Social Court starting 2010 at [www.rechtssprechung-im-internet.de](http://www.rechtssprechung-im-internet.de). If you know the file number of the decision, enter it in the search mask of the database [www.sozialgerichtsbarkeit.de](http://www.sozialgerichtsbarkeit.de). Current decisions of the Federal Social Court are provided on the website [www.bsg.bund.de](http://www.bsg.bund.de).

Some decisions of the Berlin Social Court and the Berlin-Brandenburg State Social Court can be accessed in the Berlin State Case Law Database at: <https://gesetze.berlin.de/bsbe/search> (there, first click on the arrow to the left of the link “Rechtssprechung” (Case Law), then in the opened list click on the arrow next to “SO Sozialgericht” (SO Social Court) and then “SO-2 Grundsicherung für Arbeitssuchende” (SO-2 basic income support for job seekers).

### Administrative regulations

The State of Berlin, together with the Federal Employment Agency (BA), form so-called joint institutions, the Jobcenters, in the Berlin districts. As providers of basic income support for job seekers, the State of Berlin and the BA issue administrative regulations (“Weisungen/directives”) for their employees for the respective area of responsibility defined in [§ 6 Abs. 1 SGB II](#).

### Directives of the Senate of Berlin

Alle im Text erwähnten Berliner Verwaltungsvorschriften finden Sie jeweils in aktueller Fassung unter: [www.berlin.de/sen/soziales/service/berliner-sozialrecht/sgb-ii/](http://www.berlin.de/sen/soziales/service/berliner-sozialrecht/sgb-ii/). (Click on the linked paragraphs after the subheading “Further regulations” to access the circulars). Social courts are not bound by the internal instructions of the authorities.

### Directives of the Federal Employment Agency (BA)

The directives reflect the legal opinion of the Federal Employment Agency (BA) on individual legal norms. BA employees must comply with these instructions. The social courts are not bound by the instructions. The directives can be currently found at: <https://www.arbeitsagentur.de/ueber-uns/veroeffentlichungen/gesetze-und-weisungen>.

The Federal Employment Agency also offers the knowledge database for selected questions: [www.arbeitsagentur.de/veroeffentlichungen/wissensdatenbank-sgbii](http://www.arbeitsagentur.de/veroeffentlichungen/wissensdatenbank-sgbii).

Directive 201611028 of 21 November 2016 (interpretation/translation services)  
[https://con.arbeitsagentur.de/prod/apok/ct/dam/download/documents/Weisung201611028\\_ba014503.pdf](https://con.arbeitsagentur.de/prod/apok/ct/dam/download/documents/Weisung201611028_ba014503.pdf)

Directive 201806011 vom 20 June 2018 (confirmation of receipt)  
[www.arbeitsagentur.de/datei/Weisung-201806011\\_ba018017.pdf](http://www.arbeitsagentur.de/datei/Weisung-201806011_ba018017.pdf)

## European and international Law

European Convention on Social and Medical Assistance (ECSMA)

in German, English, French and Russian:

[www.coe.int/de/web/conventions/full-list?module=treaty-detail&treaty-num=014](http://www.coe.int/de/web/conventions/full-list?module=treaty-detail&treaty-num=014)

Regulation (EC) 883/2004 on the coordination of social security systems

<https://eur-lex.europa.eu/eli/reg/2004/883/2014-01-01> (in all major European languages)

Regulation (EC) 492/2011 on freedom of movement for workers within the Union

<https://eur-lex.europa.eu/eli/reg/2011/492/oj?locale=de> (in all major European languages)

German-Austrian Agreement on Welfare and Youth Welfare of 17 January 1966

[www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008233](http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008233)

Decision No 1/80 of the EEC/Turkey Association Council on the development of the Association of 19 September 1980 (in short: ARB 1/80)

[www.migrationsrecht.net/kommentar-arb1-80-assoziationsratsbeschluss-ewg-tuerkei-arb-1/80.html](http://www.migrationsrecht.net/kommentar-arb1-80-assoziationsratsbeschluss-ewg-tuerkei-arb-1/80.html)

Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (in short: Withdrawal Agreement)

[https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12019W/TXT\(02\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12019W/TXT(02))

## III. Further information

### Applications, instructions for filling in and information sheets of the Federal Employment Agency

The download centre or the website “Forms A-Z” of the Federal Employment Agency gives you access to applications and forms on the topics of unemployment benefit, citizen’s benefit, self-employment, short-time work and insolvency benefit. You can also use the link to download information sheets and filling instructions. Many applications, leaflets and instructions for filling in the form, in particular on citizen’s benefit, are also available in other languages.

Download Centre of the Federal Employment Agency:

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

Forms A – Z: [www.arbeitsagentur.de/formulare-a-z](http://www.arbeitsagentur.de/formulare-a-z)

## Information from the Federal Office for Migration and Refugees (BAMF)

### Integration courses

- In German language:  
[www.bamf.de/DE/Willkommen/DeutschLernen/Integrationskurse/integrationskurse-node.html](http://www.bamf.de/DE/Willkommen/DeutschLernen/Integrationskurse/integrationskurse-node.html)
- In English language:  
[www.bamf.de/EN/Themen/Integration/ZugewanderteTeilnehmende/Integrationskurse/integrationskurse-node.html](http://www.bamf.de/EN/Themen/Integration/ZugewanderteTeilnehmende/Integrationskurse/integrationskurse-node.html)

### Professional language courses

- In German language:  
[www.bamf.de/DE/Willkommen/DeutschLernen/DeutschBeruf/Bundesprogramm-45a/bundesprogramm-45a-node.html](http://www.bamf.de/DE/Willkommen/DeutschLernen/DeutschBeruf/Bundesprogramm-45a/bundesprogramm-45a-node.html)
- In English language:  
[www.bamf.de/EN/Themen/Integration/ZugewanderteTeilnehmende/DeutschBeruf/deutsch-beruf.html?nn=282656](http://www.bamf.de/EN/Themen/Integration/ZugewanderteTeilnehmende/DeutschBeruf/deutsch-beruf.html?nn=282656)

### Brochure of the Federal Ministry of Labour and Social Affairs

Social security at a glance

The Federal Ministry of Labour and Social Affairs publishes the brochure “Social Security at a Glance”. It deals with pension, health, care and accident insurance, employment promotion, labour law and child-raising benefits, the rehabilitation of handicapped people, housing benefit and income support.

The practical guide is also available for download in English, French, Italian, Spanish and Turkish and in easy language:

[www.bmas.de/EN/Services/Publications/a998-social-security-at-a-glance.html](http://www.bmas.de/EN/Services/Publications/a998-social-security-at-a-glance.html)

### Information from various federal ministries on the topic of “Brexit”

Notes on the right to work and social security benefits:

[https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_20\\_104](https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_104)

Information for British nationals and their family members on the right of residence under the Withdrawal Agreement:

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

### Criticism of the assessment of standard needs (SGB II/SGB XII) and the new regulations on sanctions

Written statement by Diakonie Deutschland - Evangelisches Werk für Diakonie und Entwicklung e. V. – on the public hearing of experts in the Committee for Labor and Social Affairs (Bundestag) in Berlin on the draft of a Citizen’s benefit Act on 7 November 2022, Committee document 20(11)229 of 3 November 2022:

[www.bundestag.de/resource/blob/919176/9d83a8d514c593dcd69c127efc60218e/Stellungnahme-Diakonie-data.pdf](http://www.bundestag.de/resource/blob/919176/9d83a8d514c593dcd69c127efc60218e/Stellungnahme-Diakonie-data.pdf)

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

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

Deutscher Paritätischer Wohlfahrtsverband - Gesamtverband e. V., Expertise – Standard needs 2021. Alternative calculations for the determination of standard needs in basic benefits, 19 September 2020:

[www.der-paritaetische.de/fileadmin/user\\_upload/Publikationen/doc/expertise-regelsatz\\_2020\\_web.pdf](http://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/expertise-regelsatz_2020_web.pdf)

Paritätische Forschungsstelle, Regelbedarfe 2024: Fortschreibung der Paritätischen Regelbedarfsforderung – Short expertise, December 2024:

[www.der-paritaetische.de/fileadmin/user\\_upload/Publikationen/doc/expertise\\_regelsatzberechnung-2023.pdf](http://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/expertise_regelsatzberechnung-2023.pdf)

Brief assessment by Diakonie Deutschland on the draft of the SPD, Bündnis 90/ Die Grünen and FDP parliamentary groups of a Second Budget Financing Act 2024 (printed matter 20/ 9999) of 8 January 2024, here: Amendments to Sections 31a and 31b SGB II:

[www.diakonie.de/informieren/infothek/2024/januar/kurzbewertung-zur-verschaerfung-der-sanktionsregelungen-im-sgb-ii](http://www.diakonie.de/informieren/infothek/2024/januar/kurzbewertung-zur-verschaerfung-der-sanktionsregelungen-im-sgb-ii)



### Non-governmental, independent information providers

#### **Tacheles e.V.** (reg. association)

The website of the independent Wuppertal Association of Unemployed Tacheles e.V. offers, among other things, information about changes in law and current court decisions in a case law ticker. The newsletter of Harald Thomé is recommendable and can be called up or subscribed to on the website <https://tacheles-sozialhilfe.de>.

#### **Koordinierungsstelle gewerkschaftlicher Arbeitslosengruppen**

(Koos - coordination office of trade union groups of unemployed persons)

Information on citizen's benefit and other social law topics can be found on the website of the coordination office of trade union groups of unemployed persons of Förderverein gewerkschaftlicher Arbeitslosenarbeit e.V. (Association for the Promotion of Trade Union Unemployment Work). The following address database for counselling centres on unemployment in Germany is helpful: [www.erwerbslos.de](http://www.erwerbslos.de)

#### **energiehilfe.org**

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

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

You can download the practical guide in German and in English.

**Berliner Arbeitslosenzentrum  
evangelischer Kirchenkreise e. V. (BALZ)  
Berlin Unemployment Centre of Protestant  
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