

# **99 questions and answers on Unemployment Benefit II (Arbeitslosengeld II) basic security benefits for jobseekers according to the Second Book of the Social Code (SGB II) Information brochure of the district administration of Ludwigsburg**

## **Foreword**

Are you already receiving Unemployment Benefit II, or have you submitted an application to the Jobcenter for the awarding of Unemployment Benefit II, or are you planning to apply?

This info brochure is intended to provide you with a quick and general overview of your rights and obligations in obtaining basic security benefits for jobseekers. The brochure is not intended to be exhaustive. For individual – especially more in-depth – questions about your specific benefits claim, please contact your caseworker.

The Jobcenter Landkreis Ludwigsburg is a municipal support provider for basic security benefits for jobseekers. The Jobcenter has several branch offices, so you can resolve your concerns close to your place of residence. The exact locations can be found on the website of the district of Ludwigsburg.

### **Our opening times:**

<b>Weekday</b>	<b>Times</b>
Monday	8.30 a.m.–12.30
Tuesday	8.30 a.m.–12.30
Wednesday	8.30 a.m.–12.30
Thursday	1.30 p.m.–6 p.m.
Friday	8.30 a.m.–12.30

## **Part 1 General**

### **1. What are basic security benefits for jobseekers according to SGB II, and who is entitled to this in principle?**

Basic security benefits for jobseekers are financed purely by taxes and are provided for persons who are able to work, who are habitually resident in the Federal Republic of Germany, are at least 15 years old, and have not yet reached the standard retirement age. Benefits can also be obtained by persons who live with a person entitled to benefits in a community in need of assistance.

Apprentices, pupils and students: please note Chapter 12.

As at January

## **2. What benefits does the Jobcenter provide? What does basic security benefits mean?**

Basic security benefits comprise benefits to end the need for assistance, in particular through integration into the labour force, as well as benefits to secure subsistence. Basic security benefits merely serve to secure the sociocultural minimum subsistence level.

## **3. What regulations apply to foreign nationals?**

Unemployment Benefit II can in principle be provided to all persons who are able to work and are entitled to benefits, including foreigners. This applies if foreign persons are entitled to a long-term or permanent substantive right of residence in the Federal Republic of Germany, and they have their habitual residence in the Federal Republic of Germany.

There are a number of legal exceptions. In particular, if the foreign person is not an employee (or has a continued status as employee) or is self-employed, or is not legally resident in the Federal Republic, there is no entitlement to Unemployment Benefit II. Since possible residency rights can be very different, this information is only a very rough outline. If in doubt, your eligibility will be clarified in the course of the application process. If you have any questions, please contact the Jobcenter responsible for you.

## **4. What does able to work mean?**

A person is unable to work if, due to an illness or disability, he or she will not be able to work at least 3 hours a day "under normal labour market conditions" for the foreseeable future (6 months).

## **5. What does "in need of assistance" mean?**

You are considered to be in need of assistance if you cannot secure your livelihood in terms of the subsistence level through your own resources – for example, through income or assets – or through the help of third parties.

## **6. Who is part of a community in need of assistance?**

- A person in need of assistance who is able to work
- Their own children living in the household and the children of their partner, as long as they have not reached age 25 and are unmarried, and do not have sufficient income or property of their own
- The parents living in the household or the parent living in the household of an unmarried child who has not reached age 25 and is able to work, and the parent's living partner in that household
- The spouse, registered partner
- A person who lives with the person who is able to work together in a common household in such a way that according to reasonable assessment there exists a reciprocal will to accept responsibility for each other and support each other

## **7. Who is not part of a community in need of assistance?**

- Children who can secure their livelihood from their own income or assets
- Married children and children who are already 25 years old, even if they live with their parents under one roof
- (Spousal) partners who are permanently separated
- Grandparents and grandchildren

- Uncles/aunts and nieces/nephews
- Siblings, insofar as they live together without parents
- Other relatives and in-laws
- Other persons in a purely residential community

### **8. What is a marriage-like union?**

A union is like a marriage if it is established permanently and there is a certain exclusivity between two persons, which, if necessary, allows for the expectation of mutual support for the partner. Some indications for this are, in particular, a sustainable household and economic union, the joint care and support of children in the household, as well as the mutual power to dispose of the partner's income and assets beyond common daily business.

### **9. What is a household community, and what does that mean for me and my entitlement to benefits?**

A household community exists between relatives or in-laws if they live together and "live from pooled assets" without fulfilling the prerequisites of a community in need of assistance.

Under certain circumstances, there is a presumption that relatives or in-laws in a household community mutually support one another. This means that their income and their assets are taken into account.

### **10. Can I, in addition to Unemployment Benefit I, also receive Unemployment Benefit II or pursue a full-time job if the money is not sufficient? What needs to be considered?**

In principle, it is possible to receive Unemployment Benefit II in addition to Unemployment Benefit I or gainful employment if you and the community in need of assistance are still in need of assistance despite this income.

Please note: The Agentur für Arbeit (Employment Agency) is an independent authority which exists without any connection to the Jobcenter Landkreis Ludwigsburg. The application for Unemployment Benefit I submitted to the Agentur für Arbeit does not serve at the same time as an application for Unemployment Benefit II. If necessary, you have to submit 2 applications to different authorities.

### **11. Do people who are housed in in-patient facilities or detention centres have the right to claim Unemployment Benefit II?**

In principle, the entitlement does not apply because you are not available to the labour market. However, the eligibility to receive Unemployment Benefit II remains if you are expected to be in detention or an in-patient facility for less than 6 months. Another exception applies if you work at least 15 hours per week under the general conditions of the labour market, despite being housed in an in-patient facility or detention centre.

## **Chapter 2**

### **Application for and continued authorisation of benefits**

#### **12. Do I have to apply to receive Unemployment Benefit II?**

Yes. The benefits under SGB II are only provided upon application – and the same is true of continued authorisation of benefits. The benefits will be paid from the date of application, not for periods prior to that. However, the application is valid going back to the first day of the month. The application applies to all members of the community in need of assistance.

One-off grants and loans must generally be applied for separately. Please note this. Please therefore expressly point out any additional needs.

As at January

**13. How long does an authorisation period last?**

The authorisation period is a maximum of 12 months. In cases where there are regularly changes or expected changes and the benefits were therefore only provisionally granted, the usual authorisation period is a maximum of 6 months. In the case of fluctuating income, an authorisation for only 6 months is generally the rule.

The authorisation may also be shorter if the eligibility conditions are quite likely to be eliminated or if their continued existence is uncertain (e.g. reaching the age limit, loss of the employee's status as a national of another EU country, limitation of the residence permit).

**14. What happens after the end of the authorisation period? Do I have to apply again for further benefits?**

Unemployment Benefit II is authorised for a limited time. That means that at the end of the authorisation period you will not automatically continue to be paid benefits. If you are still dependent on Unemployment Benefit II, you must submit an **application for continued authorisation**.

**15. When should I submit an application for continued authorisation at the latest?**

Applications for continued authorisation should be submitted in good time before the expiry of the authorisation period in order to allow a seamless continuation of payments. The application for continued authorisation should be submitted to the Jobcenter at the latest 6 weeks before the end of the current authorisation period.

**16. Is one application sufficient to receive all the available benefits?**

No, there are some benefits which require a separate application, e.g. benefits for special situations (such as relocation costs, rental deposit). In such cases, an additional application has to be submitted because these benefits are provided separately.

**17. Am I covered by health insurance if I receive SGB II benefits?**

If you receive SGB II benefits as a subsidy, the compulsory contributions for health and long-term care insurance will be paid via the Jobcenter. In other cases, if the conditions are met, a subsidy can be granted to cover the uncovered costs of health and long-term care insurance – particularly if you have no SGB II entitlement because of your partner's income, but you need assistance in terms of the health and long-term care insurance contributions.

**Please note:** Insurance is not granted until the benefits have been approved. This occurs retroactively. There may however be a period of time during which you wish to avail yourself of health-insurance coverage but your application has not yet been approved. It may therefore be prudent to contact your health-insurance fund in order to obtain provisional insurance coverage.

**18. Will my pension insurance contributions be paid if I receive Unemployment Benefit II?**

No. The benefit payment periods will merely be reported. These are non-contributory reporting times, which can be crucial for entitlements to, for example, poverty-reduction pensions and benefits for participation in working life.

### **19. What happens if the application documents (initial application/application for continued authorisation) are incomplete?**

If any documents needed to process your application are missing, you will be sent a letter reminding you to submit the missing documents, records and information before a certain deadline and pointing out the legal consequences. If you do not adhere to the deadline, you must expect cancellation, rejection or, in the case of already authorised benefits, the withdrawal of benefits. You will then be paid no (more) money. If you cannot meet the deadline for reasons beyond your control, please notify the Jobcenter immediately in your own interest.

### **20. Why do I need to submit bank statements?**

Unemployment Benefit II is only paid to persons who are in need of assistance (see question 4). That is why, when you submit your application, it is checked whether you and the members of your community in need of assistance meet this condition.

### **21. Will the Jobcenter also pay my broadcasting fees or any outstanding fees owed to the Broadcasting Fees Office (formerly: GEZ)?**

No. The Jobcenter cannot cover current fees or overdue fees. You can however apply to be exempted from broadcasting fees if you receive Unemployment Benefit II. Each notification of authorisation of benefits contains the relevant certificate. The application for exemption from fees must be made directly to the Fees Office of ARD, ZDF and Deutschlandradio. Since 1/1/2017, it has also been possible to be retroactively exempted from broadcasting fees for a certain period of time if the preconditions are met.

### **22. If I disagree with a decision of the Jobcenter, what can I do?**

You have a right to object to decisions of the Jobcenter which are administrative acts. The objection must be submitted in writing or by declaration to the authority within one month of receipt of the decision. The objection may also be raised in electronic form. To this end, the objection must be transmitted as an electronic document with confirmed and secure registration to the email address of the Jobcenter, which can be found in the legal notice accompanying the decision. The objection will be assessed by a dedicated department.

## **Chapter 3**

### **Payment of benefits (if necessary to third parties), general procedural rules, and method of authorising benefits**

#### **23. How do I know if I will receive any money?**

The decision on your application will be communicated to you in writing (decision). From the decision, you will find out whether, for how long, and to what extent you are entitled to benefits. Details of the calculation of benefits can be found in the attached calculation sheet.

#### **24. When and how are the cash benefits paid out?**

You will generally receive the benefits by transfer to your account. Payments can also be paid to the account of a third party at your request, if you thus want to fulfil an obligation of your own and can prove this, e.g. to your landlord and/or to energy companies.

If you wish to receive payment by cheque, a fee of €7.10 will be charged. The fee will be deducted from your entitlement to benefits.

Unemployment Benefit II will be paid **at the end of the month** for the next month. This means, for example, you will receive the benefits for February at the end of January.

As at January

**25. Are benefits always provided for the full month?**

In general, yes. However, it can happen that you are only entitled to benefits for parts of months, for example if you move into the area of responsibility of another Jobcenter during a month. Each day of benefit payment is calculated at 1/30, even if the month only has 28, 29 or even 31 days.

**26. Can the Jobcenter make payments to third parties – such as my landlord or an energy provider – without my consent?**

This is possible in certain exceptional cases. Payments can be made to your landlord or the energy company if you have debts and you are threatened with the termination of the tenancy or the power supply. Direct payment is always possible if there is an emergency situation.

**27. Are SGB II benefits unseizable? Should I set up a seizure-protected account?** In principle, benefits under SGB II to cover the subsistence level cannot be seized from the Jobcenter directly. However, to make sure that the benefits are not frozen due to an attachment of your bank account, it may be advisable to set up a seizure-protected account.

**28. What are the cooperation obligations?**

From the moment you file your application, you are required to disclose all facts that affect the benefits and to submit suitable documents.

**29. Are there any notification obligations?**

Once the application has been submitted and during the current period of authorisation, you are obliged to disclose changes in your personal and economic circumstances that affect the authorisation of benefits, for example taking up employment or another person moving into your household. If you have any uncertainties about the obligation to notify a change, please speak with your responsible caseworker.

**30. What happens if I do not provide notification regarding matters relevant to the benefits?**

You may be overpaid and will generally be obliged to reimburse the overpayment in accordance with the statutory provisions. Your failure to provide notification of a change may also be regarded as a misdemeanour or even a criminal offence.

**31. Will my information be checked?**

Automated data comparisons are made. The data of all persons entitled to benefits are reconciled on a quarterly basis in terms of whether other income is being drawn parallel to the receipt of the benefits (income, interest on investments, pensions). In addition, monthly comparisons are made with regard to income from employment subject to social insurance contributions and marginal employment. Certain investigations can also be made on an ad hoc basis. To clarify the status of the persons concerned and to check the conditions for receipt of benefits, third parties (e.g. banks, insurance companies, employers) have an obligation to provide information to the Jobcenter.

## **Chapter 4**

### **The main principle of SGB II: Support and require – integration into the labour force**

#### **32. What does the “support and require” principle mean?**

With the payment of basic security benefits for jobseekers, a relationship of mutuality is established under social law.

“Support” refers to the benefits that can be provided which are necessary in individual cases for your integration into the labour market – in consideration of the principles of efficiency and thriftiness.

“Require” means that you are required to actively participate in all measures that support your integration into the labour market. This includes your independently searching for work and proving you have done this.

#### **33. Am I required to contact you personally?**

As long as you claim basic security benefits for jobseekers, you are also obliged to contact your Jobcenter personally if so instructed. A personal interview may be required to clarify with you the assessment of the benefits requirements or your integration into the labour market. You therefore must ensure that you can be reached on a daily basis.

#### **34. What is an integration agreement?**

An integration agreement is concluded with you as a person who is able to work and is entitled to benefits and the Jobcenter as a mutual contract. It specifies how the Jobcenter can support you in your specific situation by providing integration services in order to integrate you into the labour market or to eliminate barriers to integration. In return, you commit to taking reasonable steps as well in order to avoid or reduce your need for assistance. The integration agreement usually applies for 6 months.

#### **35. What happens if I do not want to sign an integration agreement?**

A consensual integration agreement is intended to be reached with persons who are able to work and are entitled to benefits in order to integrate them into the labour market or to eliminate barriers to employment. If the negotiations fail, the Jobcenter can unilaterally issue an administrative act regarding integration. The obligations laid down therein apply just as in the case of a negotiated integration agreement.

#### **36. What kind of support opportunities are available? Who decides about them?**

A personal contact person (placement officer or case manager) is responsible for each person able to work and entitled to benefits. This person supports and advises you about the integration services and benefits which are available for your specific case. For example, application costs and costs for a job interview may be paid. There are numerous possible subsidies. Your personal contact person will be happy to help you.

**37. Do I receive “holiday leave” even though I am not working?**

The law does not provide for normal holiday leave such as you will be familiar with from a previous job. However, if you want to be away from the local and immediate area, you may be away for 21 days in the calendar year. Prior approval by your integration contact person is required for this. Approval depends in particular on whether your placement in work is made substantially more difficult due to your absence from the local area. Upon return, you are obliged to report back to the Jobcenter without delay.

**38. What happens if I am absent without approval?**

An unauthorised absence from the local area means that your entitlement to basic security benefits will be cancelled altogether for this period; the authorisation of benefits will be suspended. Any overpayments must be reimbursed by you.

**39. To what must I pay attention if I become ill while receiving Unemployment Benefit II?**

Your integration agreement specifies whether you only need to report illness or whether it is necessary to submit a medical certificate. As a rule, a medical certificate should be submitted before the third calendar day.

**40. I have received an invitation to an appointment at the Jobcenter. What happens if I do not accept it?**

If you do not accept an invitation without being excused, this will lead to a failure to report, which in turn can be sanctioned. The Jobcenter may then reduce your benefits.

**41. May the Jobcenter contact my (former) employer?**

In certain situations, especially if you do not comply with your obligation to notify and cooperate, we are allowed by law to clarify the outstanding questions with your former employer. If you do not submit salary statements that are necessary for the calculation of benefits, these can be obtained directly from your employer.

**42. What are the grounds for sanctions?**

The law distinguishes between failures to report and breaches of duty. Failures to report relate to appointments which you do not keep without excuse at the Jobcenter or the medical or psychological service.

There are, however, many breaches of duty. For example, you might have breached a duty under an integration agreement (e.g. proof of personal effort, submission of application documents) or not have applied for a job after a referral proposal. Continuation of unbusinesslike behaviour can also constitute a breach of duty.

**43. How far are benefits reduced in the event of failures to report?**

In the event of a failure to report, the reduction amounts to 10 % of the relevant standard rate. Several failures to report may be added together, within legal limits.

**44. What are the reductions for breaches of duty?**

In the event of sanctions resulting from breaches of duty, the Jobcenter may reduce the benefits by 30 % of the relevant standard rate.

**45. How long does a sanction last?**

A sanction lasts 3 months as a rule. The reduction period may be shortened if you provide credible and sustainable assurance that you will meet your cooperation obligations in the future or if you prove that you have fulfilled your obligations to cooperate.

**46. Are there any particular conditions concerning young people?**

Any sanction imposed on persons under the age of 25 will generally not lead to reduced amounts being paid out for accommodation and heating requirements.

**47. Can I lose my entire entitlement due to a sanction?**

In its decision of 5/11/2019, the Federal Constitutional Court ruled that benefits to secure livelihoods may be reduced by a maximum of 30 % of the relevant standard requirement. The entire entitlement to benefits can therefore only be lost if it is less than 30 % of the relevant standard rate.

**48. Can a sanction be waived?**

If you present and prove an important reason which explains your behaviour and which can be regarded and recognised as an important reason as defined by the provisions of Book II of the German Social Security Code, you are not in breach of your cooperation obligations. In such a case, no sanction will be imposed.

Furthermore, a reduction in benefit can be waived if, although fulfilment of the cooperation obligation could generally be expected, in a particular case extraordinary circumstances in life exist which make a sanction appear unreasonable and would therefore lead to an excessively hard and unreasonable burden (unusual hardship) in the overall consideration of the personal circumstances.

**49. The Agentur für Arbeit has suspended my Unemployment Benefit I for a period of 12 weeks because I myself resigned from a job. Will I receive Unemployment Benefit II during this time?**

If there is need for assistance, you will receive Unemployment Benefit II. However, there is the possibility of a sanction in the form of a reduction of Unemployment Benefit II. Please note: furthermore, the question may also be examined whether you are obliged to return the basic security benefits paid for the blocking period of Unemployment Benefit I due to conduct which is contrary to social welfare law.

**Chapter 5****Income****50. What is income?**

All money income or non-cash benefits received from the date of application must in general be counted as income. It is irrelevant whether the income is regular or non-recurring, e.g. income from work, maintenance, unemployment and illness benefits, back payments from other state benefits applied for, including child benefits and pensions.

**51. Are there any payments which are not counted?**

Certain revenue is not considered to be income within the meaning of SGB II and is not counted (privileged income), e.g.:

- basic pensions under the Bundesversorgungsgesetz (Federal Law on war pensions – BVG) and laws providing for the relevant application

- benefits for the blind
- Care allowance in the case of full-time, educational care, in full for the first and second foster child and 25 % for the third foster child, if it is not day care
- special benefits such as emergency aid in the event of catastrophes, honorary allowances from public funds (in the case of retirement or marriage anniversaries, lifesaving), donations from raffles for people in need
- compensation for pain and suffering

Whether or not the revenue is privileged income is examined in the course of the application. If you have any doubt, please state all revenues.

### **52. What is meant by the insurance lump sum?**

The insurance lump sum is €30 and reduces the privileged income. If you are of legal age and have revenue which is counted as income, you will receive the insurance lump sum. Minors will receive the insurance lump sum only if it is proven that they have taken out insurance which is adequate in substance and in amount. If the counted income is lower, then that amount at most can be offset. *Example: Counted income €27, deduction of insurance lump sum of €27 from privileged income.*

### **53. I have two incomes. Do I receive the insurance lump sum twice?**

Only one insurance lump sum is granted per person. If you earn income, the insurance lump sum is already included in the basic exemption for earned income.

### **54. What special exemptions are there for earned income?**

For earned income, you will receive a basic exemption of €100. This already includes the insurance lump sum of €30. In addition, 20 % of that part of gross income exceeding €100, up to and including €1,000, is exempt. In addition, another 10 % of your gross income over €1,000 up to the upper earnings limit of €1,200 or €1,500 (if a minor child lives in the community in need of assistance) is exempt. In the case of earned income from a charitable activity, the basic exemption increases. The exact calculation in your individual case can be found in the calculation sheet or clarified with your responsible case worker.

### **55. What about my vehicle liability insurance? Is this “paid” by the Jobcenter?**

No. This is not a benefit that can be provided. However, vehicle liability insurance can be deducted at 1/12 per month in the case of privileged income. In the case of earned income, special conditions apply to the deduction calculation. Insurance cover must be proven by means of the yearly contribution notification.

### **56. My partner has to pay maintenance to children/the divorced spouse. Is this taken into account in the income calculation?**

Maintenance payments may only be deducted from the counted income if the maintenance is actually paid (proof must be provided) and the maintenance claim is titled. Only current maintenance payments may be deducted, not maintenance debts in the case of voluntary payments, even if the arrears are established in an enforceable title.

**57. Is a tax refund for the previous year, which I receive after application SGB II, also counted as income?**

Yes, because the inflow principle applies in SGB II. Even though the tax refund results from times before your application and from income earned before then, the question is simply considered whether it enables you to subsist. This means that the counting of the tax refund only depends on whether it is paid during your current drawing of SGB II.

**58. Are pensions counted?**

Pensions are also counted income. There are a few exceptions (see Question 47). However, if you receive a retirement pension, you are no longer eligible under SGB II.

**59. I receive a retirement pension and live with a working person in a community in need of assistance. What about benefits from the Jobcenter in this case?**

If your retirement pension meets your needs, any amount that exceeds it will be credited towards the needs of the person who is entitled to benefits and able to work. If, however, the retirement pension does not cover your own needs and you are not entitled to basic security benefits in old age or because of permanent full reduction of ability to work according to SGB XII, you will receive a social allowance as a member of a community in need of assistance from the Jobcenter.

**60. I live together with my partner and his/her children from his/her first marriage. Do I have to provide for my stepchildren as well?**

Yes. That is the principle of the community in need of assistance. If underage children are unable to meet their own needs through income (e.g. child allowance, maintenance payments) or assets, the income and assets of the partner will also be taken into account for stepchildren to meet their needs.

**Chapter 6****Assets****61. What are assets?**

Your assets consist of all of your “property and belongings” that can be quantified in monetary terms – irrespective of whether the assets are held in Germany or abroad at the time of your application. Receivables can also constitute an asset. In addition, this asset must be usable during the forecast period (usually the authorisation period for the benefits).

**62. When are assets usable?**

An asset is usable if it can be used directly to cover the cost of living or if its monetary value can be realised to cover the cost of living through consumption, sale, lending, rental or lease.

Non-usable assets are those that you cannot freely dispose of for legal or actual reasons, e.g. because the asset is pledged. The mere status as a co-owner, for example, does not necessarily represent an obstacle in this sense.

**63. Is everything taken into account, or are there any assets not taken into account?** There are also some assets which are not taken into account. These are so-called protected assets. These include:

- household goods, to a reasonable extent
- an appropriate motor vehicle
- reasonable assets and rights intended for old-age provision in the case of exemption from compulsory pension insurance
- an appropriate apartment or house which you own and where you live
- assets for the procurement or maintenance of reasonable housing in the near future for persons with disabilities or in need of nursing care
- objects and rights where their use is obviously uneconomical or would mean particular hardship for the person concerned

**64. Do I have assets even if I have debts?**

Yes. There is no “netting” under social law. Any existing assets must first be used to cover your own needs. Debt repayment comes second.

**65. May I keep my car?**

A car represents an asset. However, if its current market value is reasonable and you are able to work, the car is a protected asset. A market value of €7,500 is considered reasonable.

**66. I hold an endowment life insurance policy. Must I utilise this too?**

If it is not protected by a tax-free allowance and its utilisation does not mean undue hardship, it must be utilised to cover your cost of living. However, this does not apply if an exclusion of surrender in such cases (which is possible subsequently) was agreed with the insurance company. Proof of such agreement must be supplied.

**67. Are any of my assets also exempt from being counted?**

For every person within the community in need of assistance, there is a so-called basic exemption of €750. In addition, for each person a further exemption is calculated for their assets on the basis of that person's age. For each year of life, the amount of €150 is granted – up to a maximum of €10,500 however, graduated by year of birth. Minors belonging to the community in need of assistance are entitled to an exemption of €3,100 for their assets.

There are special exemption allowances for retirement provision contracts. If you have questions, please ask your responsible case worker.

**68. Can the utilisation of my assets be waived?**

The benefits are provided as a loan if the utilisation of unprotected assets constitutes undue hardship or their possible utilisation at the present time causes this undue hardship.

The granting of the loan can be made dependent on the provision of security (possibly the entry of a mortgage in the land register).

**69. Are there situations where assets below the exemption allowances are nevertheless taken into account with regard to benefits under SGB II?**

Yes. Loans pursuant to SGB II are only provided if the special needs, such as electricity bill debts, cannot be covered by protected assets, including protected assets of children. In the case of rental debts, however, assets of children do not have to be used.

**70. What happens if I inherit unexpectedly or through forced heirship?**

This represents a change in your economic circumstances that requires notification. You should therefore report it without delay. Whether and to what extent this has a concrete effect on your entitlement to benefits is subject to a case-by-case examination. Receipt of inheritance during ongoing receipt of SGB II benefits usually represents counted income.

**Chapter 7****Priority benefits****71. Why must priority benefits be claimed?**

The basic security benefits for jobseekers are only provided if their needs cannot be covered with the aid of other benefits, including other state-provided benefits. The so-called subordination principle applies. Those entitled to benefits must apply for other social welfare if they can thus stop, shorten or reduce their need for assistance.

**72. What are examples of such state-provided priority benefits?**

They include, for example, child benefit supplements (to be applied for at the Kindergeldkasse – child benefit fund), child allowances, alimony advance payments, housing allowances and educational subsidies (BAföG, BAB), but also early retirement pensions or disability pensions.

**73. What happens if I do not comply with the request of the Jobcenter to apply for the other social welfare, the priority benefits?**

The Jobcenter may submit the application for you if you do not comply with the request. If, in the process of applying to the other support provider, your lack of cooperation is established with a final decision, the Jobcenter will be legally obligated to reduce the basic security benefits to the amount of the other benefits to be expected.

**Chapter 8****Standard benefits and social allowances****74. What are the standard benefits or social allowances?**

Please refer to Insert sheet 1 for this information.

**75. What has to be paid for with the standard benefits and social allowances?**

The standard benefits cover the regular and irregular needs of daily life such as food, clothing, stationery, household electricity and the like. They are paid in a lump sum.

**76. Who sets the amounts of the standard rates?**

The amounts are mandated by the legislator and usually increased annually. During an ongoing period of drawing benefits, you will automatically receive a notification of change when the standard rates are increased, and you do not have to do anything.

## Chapter 9

### Additional needs and subsidies

#### 77. What kinds of additional needs are there?

There are the following additional needs:

- Additional needs for pregnancy from the 13th week of pregnancy
- Additional needs for single parents
- Additional needs for disability in the case of benefits for participation in working life or integration assistance, or in the case of persons who are unable to work who are fully unemployable and are classified "G".
- Additional needs for costly nutrition for medical reasons
- Additional needs for decentralised hot-water supply
- Additional needs for an irrefutable, special requirement
- Additional needs for school books and the related workbooks

#### 78. When am I counted as a single parent?

You are a single parent if you live with one or more children in the same household and care for them and their education on your own.

#### 79. I have household insurance. Are the costs paid for by the Jobcenter?

The costs of household insurance cannot be covered. There is no legal basis for this in SGB II.

#### 80. What other subsidies are possible?

There are several schemes providing subsidies for special needs situations. For instance, in specific cases subsidies can be paid for the basics required due to pregnancy and childbirth, for home furnishing, for the purchase and repair of orthopaedic shoes, for the repair of therapeutic equipment and devices, and for the rental of therapeutic devices, if the needs cannot be covered elsewhere. You will need to file a separate application for such grants.

## Chapter 10

### Accommodation, heating and relocation costs while drawing SGB II

#### 81. Will my costs of accommodation and heating be paid?

The actual costs of accommodation and heating will be paid if they are reasonable.

#### 82. What does reasonable mean?

The district of Ludwigsburg has a logical concept for this. After regular examination of the actual local circumstances, the district will set the reasonable maximum rental-price limits for each location in the district of Ludwigsburg under consideration of the number of persons (a maximum of 5 persons). In the case of communities of more than 5 persons in need of assistance, please contact the caseworker responsible for you. You will find the currently valid figures in Insert sheet 2.

#### 83. I live in my own house/apartment. It is financed by a loan. Are there any special provisions?

In principle, the cost of the loan can only be taken into account in the amount of the monthly interest payments if they are below the reasonable rent ceiling and the living space itself is reasonable. The repayment portions of the instalments cannot be covered.

**84. What happens if my housing is too expensive?**

If your accommodation costs exceed the amount of the reasonable ceiling of the logical concept of the district of Ludwigsburg and if a cost reduction is not unacceptable in your individual case, you will receive a so-called cost-reduction request. You will be called upon to make efforts to reduce costs and provide evidence of this on a regular basis. The assumption of unreasonable housing costs is possible for a maximum period of 6 months.

**85. Can the Jobcenter require me to relocate?**

The Jobcenter cannot issue a specific requirement. However, staying in housing that is too expensive may mean that only a small part of the housing expenses are paid.

**86. Can benefits for unreasonably high housing costs already be cut before the 6 months?**

In principle, this is possible, especially if you do not make efforts to reduce costs or do not provide the Jobcenter with proof of these efforts. The period of 6 months is the maximum.

**87. I have rental debts. Can I receive support from the Jobcenter?**

In principle, it is possible to obtain a loan for the payment of rent debts, which you must pay back. The loan can however only be paid out if the dwelling you occupy is reasonable as defined in the logical concept, because only then can your dwelling be safeguarded in the long term.

**88. How does repayment work? I receive Unemployment Benefit II?**

The repayment of the rental debts is made during ongoing benefit receipt by offsetting 10 % of the relevant standard rate, and will thus in future be deducted directly from your ascertained entitlement. You will receive a separate notification about this.

**89. I would like to relocate, and I receive Unemployment Benefit II. Can I just do so? Do I have to consider anything?**

If you want to move, you should notify your responsible benefits case worker as soon as possible. Before you sign the lease, please get a relocation assurance from the Jobcenter so that you know whether the new accommodation is reasonable within the meaning of the social welfare regulations. If, for example, you would like to receive the rental deposit or relocation costs as a loan, a further request for these benefits is required.

**90. Is it possible to receive a relocation assurance without assurance for the provision of the rental deposit?**

Yes. This has been possible since 1/8/2016 through a change in the law. In terms of the relocation assurance, the law only requires that the reasonableness of the future home be proven. In terms of the rental deposit and other relocation costs, however, the relocation must have been necessary.

**91. I am not yet 25 years old and would like to move out of my parents' household; we draw SGB-II-benefits. Do I have to consider anything?**

It is in principle deemed acceptable to live in the household of your parents. If you move without prior assurance, until the age of 25, the Jobcenter will not normally pay your rental costs. The same applies if you move in anticipation of receiving Unemployment Benefit II. In such a case, you will only be paid a reduced standard rate.

**92. I received a refund based on a utility bill of my landlord's. Do I have to report this to the Jobcenter? What happens to the refund?**

It is a change in your benefit case which requires notification, so you must inform the Jobcenter. Payment of the utility bill credit by your landlord will reduce your entitlement to the recognised As at January

accommodation and heating costs, if those needs were previously recognised by the Jobcenter. In the month following the payment, therefore, the Jobcenter will pay less or perhaps none of the accommodation and heating costs.

## Chapter 11

### Education and participation

#### 93. Who and what is eligible for benefits from the education and participation package

**(BuT)?** For children, adolescents and young adults (as a rule, until their 25<sup>th</sup> birthday; for exceptions see below), the following education and participation needs are taken into account in addition to the relevant standard rate:

- actual costs of one-day and multi-day trips and travel with the school (e.g. school trips), the day nursery and nursery school,
- personal school needs on 1 August and 1 February of each year,
- costs of school transport, as far as they are necessary and are not already paid by third parties
- benefits for school-related learning support under certain conditions,
- extra costs of communal lunch at school, day nursery and nursery school,
- until reaching the age of 18 up to €15 per month for participation in social and cultural life in the community (such as for membership fees in sports clubs, music school fees or camps).

#### 94. Who counts as a student?

Students are persons who have not yet reached age 25, attend a general or vocational school and receive no educational allowance.

#### 95. Do I receive these benefits automatically? What do I need to consider?

The school materials allowance is paid automatically – provided that you have submitted a current school certificate for each child together with the application/re-approval application – on the payment dates named in Question 93.

A separate application must be submitted for school-based learning support.

All other benefits in the area of education and participation are deemed to have been applied for with the main application. Please note that in order to substantiate these needs you must submit attestations from schools or similar institutions. You can obtain the relevant forms from your local Jobcenter.

## Chapter 12

### Special regulations for apprentices

**96. I am in apprenticeship training at a company. Can I receive SGB II benefits?** Due to a change in the law, a large number of apprentices were included in the group of those entitled to benefits. If you are in an apprenticeship, and you are not housed in a boarding school, a dorm or with the instructing institute, you are entitled to Unemployment Benefit II.

**97. I am a student within the meaning of the Federal Training Assistance Act (BAföG). Am I also entitled to benefits?**

In general, all training courses eligible under the BAföG are excluded from the receipt of benefits. Due to a large number of exceptions, it is nevertheless possible to obtain SGB II benefits. Whether an exception is granted in your individual case depends on many factors. Whether you are entitled will be clarified in the course of the application. This will be the case in particular if you actually receive BAföG, have applied for BAföG or actually do not receive BAföG only because income or assets count against benefits.

**98. Can I, despite being excluded from the receipt of benefits as an apprentice, receive benefits from the Jobcenter if I am pregnant?**

If there is a need for assistance, it may be possible to claim additional needs for pregnancy. Further additional needs can also be met despite a benefit exclusion.

### 99. Conclusion

We hope to have given you an initial, helpful overview of your rights and obligations when drawing and applying for basic security benefits for jobseekers in accordance with the Second Book of the Social Code (SGB II).

If you have any questions or concerns, please contact your caseworker. This brochure can only supply general information. It does not give advice for each individual case due to the multitude of legal provisions. Please note: this brochure is not exhaustive; future changes in the law brought about by legislative proceedings or case law cannot be described comprehensively in this brochure without forfeiting its intended purpose of providing concise information on the various legal provisions.

## Insert sheet 1

### Amounts of the standard rates to cover the cost of living from 1 January 2021

Single person, single parent, adult with underage partner	€446
Adult partner	€401
Adult up to the age of 25 (18–24 years), or  Persons under the age of 25 who relocate without assurance from the municipal benefits provider (18–24 years)	€357
Children or youths up to the age of 18 (14–17 years)  or  underage partner (14–17 years)	€373
Children from 7 up to the age of 14 (6–13 years)	€309
Children up to the age of 6 (0–5 years)	€283

### Benefits for education for school pupils from 1 January 2021

The school materials allowance on 1 February of the respective year	€51.50
The school materials allowance on 1 August of the respective year	€103.00

Insert sheet 2: Page 1

## Reasonable gross monthly rents without utilities from 1 May 2020 in Landkreis Ludwigsburg

Gross rents without utilities (rent without utilities including non-heating operating costs) which are listed in the tables below can generally be considered reasonable in Landkreis Ludwigsburg.

The **basic monthly rent with operating and ancillary costs** is decisive, such as property tax, building fire insurance, water charges, sewage fees, rubbish collection, communal staircase lighting, user fees payable to housing associations, administrative costs, janitorial costs, street cleaning costs, cesspit emptying costs, chimney cleaning, water damage and general liability insurance, running costs for special facilities, built-in furniture, **without heating and hot-water costs**.

Community	1 person 45 m <sup>2</sup>	2 persons 60 m <sup>2</sup>	3 persons 75 m <sup>2</sup>	4 persons 90 m <sup>2</sup>	5 persons 105 m <sup>2</sup>
Affalterbach	€560	€670	€810	€940	€1,120
Asperg	€540	€700	€830	€980	€1,100
Benningen am Neckar	€560	€670	€810	€940	€1,120
Besigheim	€520	€650	€790	€930	€1,020
Bietigheim-Bissingen	€540	€700	€830	€980	€1,100
Bönnigheim	€520	€650	€790	€930	€1,020
Ditzingen	€530	€700	€890	€1,080	€1,260
Eberdingen	€500	€640	€770	€910	€1,050
Erdmannhausen	€560	€670	€810	€940	€1,120
Erligheim	€520	€650	€790	€930	€1,020
Freiberg am Neckar	€560	€670	€810	€940	€1,120
Freudental	€520	€650	€790	€930	€1,020
Gemrigheim	€520	€650	€790	€930	€1,020
Gerlingen	€530	€700	€890	€1,080	€1,260
Grossbottwar	€520	€650	€790	€930	€1,020
Hemmingen	€540	€700	€830	€980	€1,100
Hessigheim	€520	€650	€790	€930	€1,020

As at January

## Insert sheet 2: Page 2

<b>Community</b>	<b>1 person 45 m<sup>2</sup></b>	<b>2 persons 60 m<sup>2</sup></b>	<b>3 persons 75 m<sup>2</sup></b>	<b>4 persons 90 m<sup>2</sup></b>	<b>5 persons 105 m<sup>2</sup></b>
Ingersheim	€560	€670	€810	€940	€1,120
Kirchheim am Neckar	€520	€650	€790	€930	€1,020
Korntal-Münchingen	€530	€700	€890	€1,080	€1,260
Kornwestheim	€530	€690	€850	€1,010	€1,140
Löchgau	€520	€650	€790	€930	€1,020
Ludwigsburg	€530	€680	€870	€1,050	€1,240
Marbach am Neckar	€560	€670	€810	€940	€1,120
Markgröningen	€500	€640	€770	€910	€1,050
Möglingen	€540	€700	€830	€980	€1,100
Mundelsheim	€520	€650	€790	€930	€1,020
Murr	€560	€670	€810	€940	€1,120
Oberriexingen	€500	€640	€770	€910	€1,050
Oberstenfeld	€520	€650	€790	€930	€1,020
Pleidelsheim	€560	€670	€810	€940	€1,120
Remseck am Neckar	€530	€690	€850	€1,010	€1,140
Sachsenheim	€500	€640	€770	€910	€1,050
Schwieberdingen	€540	€700	€830	€980	€1,100
Sersheim	€500	€640	€770	€910	€1,050
Steinheim an der Murr	€520	€650	€790	€930	€1,020
Tamm	€540	€700	€830	€980	€1,100
Vaihingen an der Enz	€500	€640	€770	€910	€1,050
Walheim	€520	€650	€790	€930	€1,020