

## **Guidelines**

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Guidelines of the Federal Employment Agency (Bundesagentur für Arbeit) for Filling in the Application Forms for Citizens' Income (Bürgergeld) in accordance with Book Two of the German Social Code (SGB II).

These guidelines are part of the application for Citizens' Income (Bürgergeld) in accordance with Book Two of the German Social Code (SGB II).

Further information can be found in the brochure on SGB II.

The SGB II brochure, the guidelines on filling out the forms and other documents can be found online at [www.jobcenter.digital](http://www.jobcenter.digital).

### **Important Information (Wichtige Hinweise)**

**The application for Citizens' Income (Bürgergeld) in accordance with SGB II consists of the main application and various appendices which must also be completed depending on your circumstances. In order for us to be able to explicitly match these appendices with your person, you are required to enter your data again in each appendix.**

**As a general rule, please submit copies instead of original documents.**

### **Data protection (Datenschutz)**

The Jobcenter requires your data to determine your claim to benefits in accordance with SGB II and to be able to pay the corresponding benefits to you.

The protection of your personal data is very important to us, which is why your personal data is processed in line with the statutory provisions, in particular with the General Data Protection Regulation of the European Union (GDPR) and the German Social Code. Submitted documents and evidence shall, whenever required, be scanned in accordance with data protection regulations before being permanently destroyed following a short retention period.

When submitting evidence, the blacking out of particulars of special categories of personal data is permissible.

This for example includes particulars of ethnic origin, political opinions, beliefs, trade union membership, health or sex life (Art. 9 para. 1 GDPR). If texts are blacked out, however, particulars such as membership fees, grants and donations must remain recognisable as fundamental business transactions. Furthermore, particulars of religion may be blacked out in copies of birth certificates.

Concerning bank statements, although blacking out is permissible, in expense entries the accounting case must remain verifiable for the Jobcenter. Only evidently unnecessary data such as the name of the supermarket may be blacked out, as long as the expense remains viewable as a purchase.

**For further information, see also number 43, "Bank statements".**

Additionally, you may for example black out particulars of a landlord in the copy of a rental contract, if the Jobcenter is not required to transfer the rent directly to the landlord.

You can find further information relating to data protection at your local Jobcenter as well as online at [www.arbeitsagentur.de/datenerhebung](http://www.arbeitsagentur.de/datenerhebung).

### **Keywords (Stichworte)**

#### **① Pension insurance number (Rentenversicherungsnummer)**

Recipients of Citizens' Income (Bürgergeld) are not liable for contribution payments in the statutory pension insurance scheme. Therefore, no contributions for pension insurance are made. The period of receipt of Citizens' Income (Bürgergeld) is, however, reported to the pension insurance provider, which then checks whether there is a period of credit to be considered. Please provide your pension insurance number for this report. You can find this number on your social security card.

## ② Telephone number/email address (Telefonnummer/E-Mail-Adresse)

Providing a telephone number and email address is voluntary. You are not disadvantaged if you choose not to enter these. In case of entry of your phone number and email address, any questions we may have can likewise be answered by phone or email. By entering your phone number and email address, you consent to their internal use by us. Internal use signifies getting in touch with you. This also includes use for research purposes. This means that the Institute for Employment Research at the Federal Employment Agency may contact you, or a survey company contracted by them may contact you to ask you to participate in a voluntary survey (Section 282 para. 5 Book Three of the German Social Code). You may withdraw your consent for us to use your phone number and email address at any time effective for the future without stating a reason.

## ③ Application (Antragstellung)

Your application usually starts from the first day of the month (Section 37 para. 2 sentence 2 SGB II). Therefore, you must provide information – especially regarding receipt of income – for the entire month of your application. However, you also have the option of applying for the benefits from a specific point in time.

## ④ Benefit community (Bedarfsgemeinschaft)

A benefit community (Bedarfsgemeinschaft) consists of the person entitled to benefits and capable of work and usually:

- the not permanently separated wife/husband,
- the not permanently separated registered partner of the same sex or
- a person living together with the person entitled to benefits and capable of work in a community of responsibility and support (Verantwortungs- und Einstehensgemeinschaft), i.e. a relationship similar to a marriage.

A benefit community also includes children living in the household who are not married and capable of work and are under 25 years of age, insofar as they cannot sustain a livelihood from their own income (e.g. Child Benefit and maintenance payments) or assets.

If a single child capable of work who is at least 15 but not yet 25 years of age applies for benefits in accordance with SGB II, the parents or one parent living in the household are also part of the benefit community.

## ⑤ Household community (Haushaltsgemeinschaft)

Persons who live in a household with you but are not members of your benefit community (Bedarfsgemeinschaft) belong to a household community (Haushaltsgemeinschaft), for example

- relatives and in-laws (grandparents, siblings over 25, uncles, aunts),
- foster children and foster parents.

### When and for whom should I fill in Appendix HG? (Wann und für wen ist die Anlage HG auszufüllen?)

Appendix HG is to be separately completed in respect of each person who lives with you in a household.

Example:

A married couple living together with their two children and the father of the wife and brother of the wife in a household. Appendix HG is to be completed in respect of the father of the wife and brother of the wife alike.

### Is an apartment-sharing community also a household community? (Ist eine Wohngemeinschaft auch eine Haushaltsgemeinschaft?)

A basic apartment-sharing community is neither a benefit community nor a household community. This means that you do not need to provide information on the personal circumstances of other persons living there when applying for Citizens' Income (Bürgergeld). In these cases, it is sufficient to specify in Appendix KDU under point 2 the rented living area of the other person(s) and the sublet amount as income in Appendix EK under point 3.

In a shared apartment with several adults capable of work, there can be as many benefit communities as there are people living in the shared apartment.

## ⑥ Community of responsibility and support (Verantwortungs- und Einstehensgemeinschaft)

If a community of responsibility and support exists, as part of an evaluation of the need for assistance, the income and assets of the partner must also be considered.

A community of responsibility and support is considered to exist if the partner lives in a com-mon household to the person entitled to benefits and capable of work in such a way that, following a reasonable assessment, there is

the mutual desire to bear responsibility for each other and support each other. This community of responsibility and support applies to same-sex as well as opposite-sex partners.

A partnership is assumed if there is a certain exclusiveness to the relationship which does not allow for another comparable consecutive partnership.

Furthermore, there must be a general legal possibility of a marriage or registration of partnership between the person capable of work but in need of assistance and their partner.

A mutual desire to bear responsibility for each other and support each other is assumed if partners:

- have been living together for more than one year,
- live together with a common child,
- jointly take care of children or relatives in the household, or,
- have permission to have the other partner's income and assets at their disposal.

In addition to the assumption rules, other external factors can determine the existence of a community of responsibility and support. These can include, for example, the exchange of wedding vows, living together in joint property, or the actual nursing of a partner in a shared household. For this, it might be necessary to collect further information.

### **Can I refute the presumption of the existence of a community of responsibility and support? (Kann ich die Vermutung über das Vorliegen einer Verantwortungs- und Einstehensgemeinschaft widerlegen?)**

You are permitted to refute this presumption. The claim that the presumption is incorrect, however, does not suffice. Instead, you must explain and prove that the criteria above have not been fulfilled or that the presumption is invalid due to other circumstances.

In particular, please provide other information on the length of time spent living together and appropriate proof (e.g. registration at the registration office, rental agreement or insurance policies). Please direct any queries you may have to your local Jobcenter.

## **7 Representation of the benefit community (Vertretung der Bedarfsgemeinschaft)**

The person making the application represents the benefit community.

Only one application is necessary for the whole benefit community. As a representative, you should include all represented persons when completing the application and coordinate with them in relation to any important information as well as information regarding them. The members of the benefit community can also be represented only in part. This means, for example, that they can complete and sign the EK and VM appendices themselves.

### **What if members of the benefit community do not wish to be represented? (Was ist, wenn Mitglieder der Bedarfsgemeinschaft die Vertretung nicht möchten?)**

Members of the benefit community can also make an application themselves if they do not agree with representation by the applicant. When making such an application, members of the benefit community suspend the power of representation and represent their interests themselves (Section 36 of Book One of the German Social Code applies accordingly). However, they remain in the existing benefit community. Another option is to only request payments to themselves. In this case, the power of representation remains in place.

## **8 "Three-hour minimum work duration"/Capacity to work ("Tätigkeit von mindestens drei Stunden"/Erwerbsfähigkeit)**

- People who can work under the normal conditions of the general labour market for at least three hours per day
- and who are not prevented from working due to sickness or disability for at least six months are considered capable of work.

You are only entitled to benefits under SGB II if at least one person in your benefit community (Bedarfsgemeinschaft) is capable of work.

If there is no person in your benefit community who is capable of work, you may have no claim to benefits under SGB II. In this case, you may apply for benefits according to Book Twelve of the German Social Code.

As the representative of the benefit community, you are required to provide information – based on your own knowledge – on the capacity to work of the represented members of your benefit community. Please do not provide detailed information on sickness or disabilities.

### **What applies in the case of raising children, caring for family members or attending school? (Was gilt bei Kindeserziehung, Pflege Angehöriger oder Schulbesuch?)**

Persons also considered capable of work are those who, on a temporary basis, would not be able to work, e.g. because they are raising children under the age of 3, caring for family members in need of assistance or attending school.

#### **9 Persons with entitlements under the Asylum Seekers Benefits Act (Berechtigte nach dem Asylbewerberleistungsgesetz)**

Those who have entitlements under the Asylum Seekers Benefits Act cannot apply for benefits under SGB II.

If you have proven your current residence status with a residence permit, temporary residence permit, or temporary suspension of deportation, a copy of this may be stored/saved in the files at the Jobcenter.

If you use the notification from the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge) as proof, you only require the pages which show the legal basis and validity for recognition or granting of subsidiary protection according to the Residence Act. You are not therefore required to submit the entire notification from the Federal Office for Migration and Refugees. No copy of the required pages will be kept on file.

#### **10 School/higher education/vocational training (Schule/Studium/Ausbildung)**

If you attend a vocational school, higher education or are in vocational training, you may be entitled to benefits under the Federal Educational Assistance Act (Bundesausbildungsförderungsgesetz – BAföG), a Vocational Training Grant (Berufsausbildungsbeihilfe – BAB) in accordance with Sections 51, 57, 58 of Book Three of the German Social Code (SGB III) or a Training Allowance (Ausbildungsgeld – ABG) in accordance with Section 122 of SGB III.

You are required to claim BAföG/BAB/ABG first if you are entitled to any of these. Where applicable, your Jobcenter will ask you to apply for BAföG/BAB/ABG if you have not made an application and your training course is eligible.

BAföG recipients can have an additional claim to benefits under SGB II. Students or pupils who receive BAföG and do not live in their parents' household are generally excluded from receiving Citizens' Income (Bürgergeld).

Also excluded are e.g. trainees whose training can be supported as part of a BAB or ABG and who are living in a residential home, residential school or special institution for people with disabilities with full board and lodgings and for whom these costs are covered by the employment agency (Agentur für Arbeit) or a third party through support with ABG.

However, if they meet the requirements, these trainees, pupils or students are also entitled to benefits that will cover their additional needs or, in certain cases, to the payment of a benefit in the form of a credit.

You are required to provide evidence that, during your vocational training, you are staying in a residential school, residential home or in a special institution for people with disabilities. Providing a contract from a residential home or Internet contract is not usually required. When submitting a copy, non-relevant parts can be blacked out.

If you present a vocational training contract as proof of vocational training, you can also black out the information which is not required. It is generally also possible to present alternative proof.

#### **When does schooling or vocational training end? (Wann ist die Schul- beziehungsweise Berufsausbildung beendet?)**

The date on which schooling or a vocational training course is considered to end is the date of the leaving certificate (Abschlusszeugnis). If you are already attending school or vocational training, the estimated end date must be specified.

#### **11 Residential facility (Stationäre Einrichtung)**

It is necessary to specify the type of residential facility (also in relation to correctional facilities). In case of a hospital stay (also in care or rehabilitation facilities), the expected stay must be specified.

#### **12 Additional needs benefit for expectant mothers (Mehrbedarf für Schwangere)**

A pregnancy can be certified, for example, by providing a doctor's certificate or presenting a pregnancy record (Mutterpass). No copies will be kept on file. A doctor's certificate can result in costs which will not be borne by the Jobcenter. The additional needs benefit for expectant mothers is recognised from the thirteenth week of pregnancy.

### **13 Additional needs benefit for decentralised hot water supply (Mehrbedarf für die dezentrale Warmwassererzeugung)**

If hot water is supplied via a central heating system and charged via the heating costs, these costs are part of the needs for accommodation and heating. However, if hot water is supplied decentrally (for example, via a flow heater, boiler or gas-fired water heater), an additional needs benefit for the decentralised hot water supply is granted. To check your claim for this, please complete number 3 of Appendix KDU.

### **14 Costly diet (Kostenaufwändige Ernährung)**

If you require a costly diet due to health reasons, written confirmation from your attending physician is required. Please use the medical confirmation found on pages 2 and 3 of Appendix MEB or submit a medical certificate for this.

If you use the medical confirmation in Appendix MEB, you also release your physician from their obligation of medical confidentiality. If you do not wish to release your physician from their obligation of medical confidentiality, important reasons for this must be presented to the case worker. Under certain circumstances, a lack of release from medical confidentiality may lead to a complete or partial refusal or revocation of your additional needs benefit.

If specialist medical knowledge is required to assess the illness, e.g. with the statement "other illnesses", the case worker will involve the Medical Service at the Jobcenter. Your physician will not be contacted.

If you present a medical certificate, the illness and type of diet must be stated in the same. The fees incurred for issuing the medical certificate can be reimbursed up to an appropriate amount (currently € 5.36) upon application.

If you have any reservations about providing information on your medical condition to a case worker, you can provide this data in a sealed envelope. This will then be forwarded to the Jobcenter's Medical Service who will carry out an evaluation of the special need without stating the condition.

### **15 Additional needs benefit in case of disability (Mehrbedarf bei Behinderung)**

Disability-related benefits that you receive in order to help you participate in working life, integration support or other assistance to help you obtain a suitable job, which are a prerequisite for the payment of an additional need benefit, can be proven by presenting the appropriate notification of benefits. No copy is kept on file.

### **16 G or aG designation (Merkzeichen G oder aG)**

The G or aG designations can be proven by presenting the severely disabled person's pass (Schwerbehindertenausweis). No copy is kept on file.

### **17 Indisputable special needs (Unabweisbarer besonderer Bedarf)**

Needs which arise due to special living circumstances and which are unavoidable may, upon application, be covered. These include:

- constantly required hygiene products for certain diseases (e.g. HIV, neurodermatitis),
- costs incurred in exercising visitation rights in the case of separated parents.

This additional needs benefit can only be recognised if you are not able to cover the costs using your own means.

Costs which are covered by the regular benefits or which can be absorbed through an interest-free credit (e.g. glasses, dental prostheses) are not considered as a special need.

### **18 School-books/workbooks (Schulbücher/Arbeitshefte)**

The costs for schoolbooks which must be acquired by the individual due to a lack of free learning materials may be covered. Schoolbooks shall also be understood to mean workbooks which have an International Standard Book Number (ISBN). The ISBN number ensures that the work-book corresponds to a book. Exercise books do not have an ISBN, however, and are covered by the benefits for education and participation. In the case of schoolbooks and workbooks, a further requirement for the costs to be covered is that their purchase is demanded by the school or respective teacher and that they cannot be provided by the school free of charge. This can be proven with a certificate by the school or respective teacher.

The expenses to be reimbursed also include the costs for paid borrowing of these schoolbooks (and workbooks, if applicable) to the amount of the individual's own contribution.

Please prove the sum of costs for borrowing or purchasing these with the corresponding proof of purchase (e.g. receipt).

## 19 Income (Einkommen)

Please specify the income of each individual member of the benefit community (Bedarfsgemeinschaft). All revenue in the form of money or, in certain cases, monetary value are to be considered as income.

This includes in particular:

- income from employment and self-employment, rent or lease, agriculture and forestry,
- Child Benefit (Kindergeld), cash replacement benefits such as Unemployment Benefit (Arbeitslosengeld), Insolvency Benefit (Insolvenzgeld), Transition Benefit (Übergangsgeld), continued payment of wages in case of sickness (Krankengeld), Vocational Training Grant (Berufsausbildungsbeihilfe),
- pensions from the statutory social insurance scheme (e.g. old-age pension or miners' compensation payments (Knappschaftsausgleichsleistungen), accident or injured persons' pensions), foreign pensions, company pensions or retirement pensions,
- maintenance payments, benefits in accordance with the Maintenance Advance Act (Unterhaltsvorschussgesetz),
- interest, capital gains,
- Housing Benefit (Wohngeld), Social Assistance (Sozialhilfe) in accordance with Book Twelve of the German Social Code, and
- other ongoing or one-off revenues (e.g. Parenting Benefit (Elterngeld), Constant Attendance Allowance for educational activities (Pflegegeld für erzieherischen Einsatz) in accordance with Book Eight of the German Social Code).

Please also specify income from secondary employment not liable for social security contributions. Expenses paid in relation to voluntary or charitable work are also considered as income. Other ongoing or one-off revenues include a life annuity for sold real estate property and tax refunds. Compensation payments must also be specified.

Changes in income in your benefit community (Bedarfsgemeinschaft) can impact on the amount of Citizens' Income (Bürgergeld) to be paid, and must always be reported promptly.

## 20 Assets (Vermögen)

Assets are the totality of goods of a person which can be measured as a monetary value, irrespective of whether they are in Germany or abroad. This includes, in particular:

- bank and savings accounts (including online), cash, securities, equities, bonds, equity funds,
- claims,
- motor vehicles (e.g. car, motorbike),
- endowment policies, private pension insurance fund (as long as they are not part of a pension plan),
- building loan contracts
- developed or undeveloped real estate, house ownership, (e.g. single-family houses or multiple-family houses), owner-owned apartments, and
- other types of assets (e.g. valuables, paintings, jewellery).

Starting from the receipt of the Citizens' Income (Bürgergeld), assets are only taken into account for a period of one year if they are significant. The one-year period begins on 01.01.2023 at the earliest.

Please state the significant assets of all members of the benefit community (Bedarfsgemeinschaft).

Assets of the applicant of more than 40,000.00 euros which can be used to sustain a livelihood in the short-term are considered to be significant. 15,000.00 euros are added for each additional person in the benefit community (Bedarfsgemeinschaft).

Certain assets are not included in the calculation. In particular, these include owner-occupied residential property and typical pension products, such as Riester pensions. An appropriate car for each person in the benefit community (Bedarfsgemeinschaft) who is capable of work, or a motorcycle, are not considered to be assets either.

Assets are applicable if they can be used to sustain a livelihood or if their monetary value can be used to sustain a livelihood through use, sale, mortgaging, renting or letting. Assets which the owner cannot command are not applicable (e.g. because the asset is pawned). Whether an asset is applicable will be determined by the relevant Jobcenter.

### When is it necessary to provide proof of your assets? (Wann müssen Nachweise zum Vermögen eingereicht werden?)

You are only required to provide proof of your assets if the Jobcenter requests you to do so. For example, the Jobcenter can demand the presentation of insurance certificates, annual statements or bank statements (for further information, see no. 43, "bank statements"). The Jobcenter can make copies of the above-mentioned documents, and file any information relevant to the granting of benefits. Changes in the circumstances of your

assets in the benefit community (Bedarfsgemeinschaft) impact on the amount of Citizens' Income (Bürgergeld) to be paid, and must always be reported promptly.

### **21 Priority entitlements (Vorrangige Leistungen)**

Priority benefits can be used to reduce your need for assistance or rule out your entitlement to Citizens' Income (Bürgergeld).

Such benefits include, for example,

- maintenance claims in accordance with the German Civil Code (Bürgerliches Gesetzbuch),
- entitlement to Housing Benefit/hardship subsidies (Wohngeld/ Lastenzuschuss), which are applied for at your local city or district administration,
- entitlement to Child Benefit/Child Allowance (Kindergeld/ Kinderzuschlag), which is applied for at the Family Benefits Office (Familienkasse),
- entitlement to advance child maintenance payments (Unterhaltsvorschuss), which are applied for at the Youth Welfare Office (Jugendamt),
- entitlement to Unemployment Benefit (Arbeitslosengeld), which is applied for at your employment agency (Agentur für Arbeit),
- entitlement to (foreign) pensions,
- entitlement to Parenting Benefit/Maternity Benefit (Elterngeld/Mutterschaftsgeld),
- entitlement to training support (Ausbildungsförderung) or
- entitlement to continued payment of wages in case of sickness (Krankengeld).

### **22 Claims against the employment agency (Anspruch gegenüber der Agentur für Arbeit)**

Please provide information on any jobs you have had in the last 5 years prior to your application, so that your priority claim for Unemployment Benefit II under SGB III can be examined.

Please enter the information in the table without leaving gaps.

Please specify periods of self-employment and care provisions as defined in Book Eleven of the German Social Code (SGB XI), since there is a possibility of voluntary continued insurance coverage in the unemployment insurance scheme in respect of these periods.

In addition, periods of receipt of a replacement benefit such as Maternity Benefit (Mutterschaftsgeld), continued payment of wages in case of sickness (Krankengeld), Injury Benefit (Verletztengeld), Support Sickness Benefit (Versorgungskrankengeld), Transition Benefit (Übergangsgeld) or retirement pension due to a total reduction in earning capacity, are important. Please also enter periods of care for a child under three years of age.

### **23 Claims against third parties (Ansprüche gegenüber Dritten)**

Claims against third parties are, e.g.:

- contractual payment claims,
- claims for damages,
- claims against employers (outstanding payments of salary),
- claims resulting from unjust enrichment,
- claims from inheritance,
- claims for restitution from endowments,
- claims resulting from a deed of conveyance or reserved farm property contract,
- claims resulting from a company pensions scheme, or
- unsettled contractually guaranteed life annuity payments.

### **24 Claims against social benefit providers/family benefits offices (Ansprüche gegenüber Sozialleistungsträgern/Familienkassen)**

As well as all types of pension and compensation payments, Unemployment Benefit (Arbeitslosengeld), continued payment of wages in case of sickness (Krankengeld), benefits in accordance with the Federal Educational Assistance Act (Bundesausbildungsförderungsgesetz – BAföG), Child Benefit (Kindergeld), Child Allowance (Kinderzuschlag), Housing Benefit (Wohngeld), Social Assistance (Sozialhilfe) in accordance with Book Twelve of the German Social Code, Parenting Benefit (Elterngeld), Constant Attendance Allowance (Pflegegeld) and Insolvency Benefit (Insolvenzgeld) are also to be specified.

### **25 Declaration of commitment (Verpflichtungserklärung)**

A person can go to the foreigners' registration office (Ausländerbehörde) or agency abroad (Auslandsvertretung) and commit to providing financial support if there is a need for help. This is called a declaration of commitment.

You must present the declaration of commitment in order to have your further entitlement assessed. If the declaration of commitment is unavailable, please submit other suitable documents such as particulars of the person you support financially.

## **26 Health and nursing care insurance; Choosing a health insurance scheme (Kranken- und Pflegeversicherung; Krankenkassenwahl)**

The Jobcenter is obliged to guarantee health and nursing care insurance for you and the members of your benefit community. For this, the Jobcenter must know if and in what form (statutory or private), you and the members of your benefit community were previously members of a health insurance fund.

You generally have the right to choose a health insurance scheme to the extent that employed persons subject to insurance may choose. If you were previously insured under the statutory scheme and the reason for insurance changes (e.g. Citizens' Income (Bürgergeld) following employment subject to insurance) or if the type of benefit changes (e.g. receipt of Citizens' Income (Bürgergeld) following receipt of Unemployment Benefit (Arbeitslosengeld)), you have a renewed right to choose a health insurance scheme with consecutive memberships which are connected seamlessly or within one month. You can then select from the various statutory health insurance schemes. Here, the right to choose a health insurance scheme must be exercised at the latest two weeks after the mandatory insurance comes into effect for the health insurance scheme that you have chosen.

Please specify the corresponding information and present a membership certificate or other proof of the selected health insurance provider. If you would like to remain with your previous statutory insurance provider, this can be specified as the previous health insurance provider. In this case, the most recent and valid electronic health card or a copy of this can be presented as proof as an alternative. No copy of the electronic health card is kept on file.

If you were previously insured as part of a family insurance scheme, from the time you start receiving Citizens' Income (Bürgergeld) you have the right to choose a statutory health insurance provider. In the event that you wish to exercise this choice, please submit a copy of your membership certificate or other form of documentation from the chosen health insurance provider within two weeks, ideally when submitting your application for Citizens' Income (Bürgergeld). If you do not choose a new health insurance provider, you will be compulsorily insured with your previous health insurance provider. In this case, the most recent and valid electronic health card or a copy of this can be presented as proof as an alternative. No copy of the electronic health card is kept on file.

## **27 Most recently privately insured, voluntarily insured in a statutory fund or uninsured (Zuletzt privat, freiwillig gesetzlich oder nicht versichert)**

If you or a member of your benefit community were a member of a private insurance fund or a voluntary member of the statutory insurance fund or were not insured at all prior to the start of receipt of Citizens' Income (Bürgergeld), please fill in Appendix SV.

Appendix SV is also to be completed if you:

- are only in receipt of Citizens' Income (Bürgergeld) in the form of a credit or
- have reached your 15th birthday but are not capable of work and are therefore claiming Citizens' Income (Bürgergeld) for recipients who are not capable of work, or require assistance solely on the grounds of your health and nursing care insurance contributions.

In principle, you then have an entitlement to a subsidy for your contributions.

**For further information, see no. 53, "Extra payment for health and nursing care insurance contributions".**

Even if you or a member of your benefit community have not been insured until now, when in receipt of Citizens' Income (Bürgergeld) you are in principle insured under the statutory health and nursing care insurance schemes.

However, under certain circumstances (e.g. full-time self-employment) there is no obligation to be insured as part of a statutory health and nursing care insurance scheme. In such cases you would ultimately be obliged to join another scheme (private or voluntary member of the statutory health and nursing care insurance fund). If you have any other questions about this, please contact your health insurance fund (Krankenkasse).

### **Under what circumstances is full-time self-employment considered to exist? (Wann liegt eine hauptberufliche selbständige Tätigkeit vor?)**

A person is considered to be in full-time self-employment when he/she works on a personally independent basis in agriculture or forestry, a commercial enterprise or does any other kind of freelance work with the intention of making a profit and on his/her own account and risk. Based on its financial importance (income) and time commitment (number of hours per week), such work must represent the focus of that person's gainful employment and significantly exceed other possible activities put together. On a statutory level, the full-time nature of such employment is presumed to exist when, in the context of self-employment, at least one employee is more than marginally employed. This presumption can be refuted by providing appropriate documentary evidence. If you are unsure as to the determination of this issue, please contact your health insurance fund (Krankenkasse).



## 28 BIC/IBAN

The BIC and IBAN numbers are usually provided on your bank statement. You can also find the BIC and IBAN numbers on your online banking website, for example under “My data” or “Account details”, depending on the designation on your bank or savings bank’s website. This information is also provided on the debit and cash cards of most banks and savings banks.

It is only necessary to provide your BIC if you specify an account outside of the European Economic Area.

For technical reasons, it is not possible to receive Unemployment Benefit (Arbeitslosengeld) and Citizens’ Income (Bürgergeld) into two different bank accounts at the same time.

Please note that in the case of transfers to a credit card collective account, it is not possible to specify the credit card number in the payment reference and this may lead to payments being returned. We therefore urge you to use a current account for the benefit payments.

### What if I don’t have a bank account? (Was ist, wenn ich kein Konto habe?)

In accordance with the Payment Accounts Act (Zahlungskontengesetz), every consumer who regularly resides in the European Union is entitled to open a so-called ‘basic account’. Please contact your bank or savings bank for further information. You can also receive the benefits in the form of a “clearing payment instruction” (Zahlungsanweisung zur Verrechnung) (postal cheque). This means that you can have benefits provided to you in cash at any Deutsche Post or Deutsche Postbank payment office. However, this does incur a standard charge of € 2.85 which is deducted from the amount to be paid out. The payment office can also charge additional fees for cash payments – these will be based on the amount to be paid out.

## 29 eServices

On the [www.jobcenter.digital](http://www.jobcenter.digital) website, you will find a great deal of information about financial benefits such as Citizens’ Income (Bürgergeld) but also about the subjects: looking for work, family, health, and further education and training. You can also take care of your most important matters online, such as filling in forms online and sending them securely, or communicating changes online with ease. To make use of the online offer on [www.jobcenter.digital](http://www.jobcenter.digital), you only need to register. You can have your password-protected user account activated in your Jobcenter. The case worker can grant you access to eServices directly on site or you will receive your access credentials by post.

## 30 Temporary benefit community (Temporäre Bedarfsgemeinschaft)

The temporary (intermittent) benefit community is a special form of benefit community (Bedarfsgemeinschaft). A temporary benefit community applies if:

- the needy parents of a minor child are not merely temporarily separated and
- the minor child regularly stays at alternate parental households.

The residence of the child is to be assessed independently of the right to custody and contact based on the actual circumstances. Visits to one parent which are shorter than twelve hours do not justify a temporary benefit community.

The existence of a temporary benefit community affects the entitlement to benefit of the minor child.

If the parent who has main custody is not in need, no examination or allocation of child-related benefits occurs. An exception is joint custody. If such a custodial procedure is chosen, not only are the child-related benefits divided in half, but the needy parent also has a claim to half of an increased demand if he or she is a single parent.

## 31 Other living costs (Sonstige Wohnkosten)

Other living costs are costs that are not listed in the rental agreement. Costs that are generally not considered are costs for reserved parking, electricity, cable charges, rent for a garage and telephone costs.

## 32 Interest on debt (Schuldzinsen)

Accruing interest on debt can be proven e.g. by presenting an annual bank statement or interest and repayment plan. Unnecessary information may be blacked out.

Amortisation payments can generally not be absorbed since the payment of Citizens’ Income (Bürgergeld) must not serve the purpose of accumulating capital. If non-payment of amortisation payments leads to a threat of losing an owner-occupied property, please contact the Jobcenter responsible for you.

### **33 Evidence of special need (Nachweis über besonderen Bedarf)**

If the indisputable special need relates to a medical condition, an appropriate medical certificate in which a doctor confirms the particular requirement with reference to the condition is sufficient.

If you have any reservations about providing information on your medical condition to a case worker, you can provide this information in a sealed envelope. This will then be forwarded to the Jobcenter's Medical Service, who will carry out an evaluation of the special need without stating the actual condition.

### **34 Holiday work (Ferienjob)**

Income from so-called "holiday jobs" is not considered, provided that:

- The pupil is younger than 25.
- The pupil attends a general or vocational school and does not receive training pay.
- The work takes place during the school holidays, i.e. between two periods of schooling.

### **35 Expense allowances (Aufwandsentschädigungen)**

Expense allowances are payments (monetary benefits / benefits in kind) you receive when you do secondary, voluntary or charitable work as compensation for your efforts and the expenses incurred in connection with doing this work. In general, these payments are based on regulations subject to public law and are paid from public funds. Typical activities are, for example, jobs as exercise instructor – e.g. in a club – or as an honorary mayor.

Expense allowances must also be specified if exempt from taxation (Section 3 nos. 12, 26, 26a or 26b Income Tax Act (Einkommensteuergesetz)). Expense allowances in each calendar year for voluntary guardians, nurses and carers pursuant to Section 1835a of the German Civil Code (Bürgerliches Gesetzbuch) are not considered taxable income up to the amount specified in Section 3 no. 26 sentence 1 of the Income Tax Act /currently € 3,000.

Expenses which are incurred as part of practising a secondary, voluntary or charitable job may be listed in note form. Please provide proof of the expenses. If an employer can be identified from the documents, this information may be blacked out.

### **36 Suspension of benefits (Eintritt einer Sperrzeit)**

This information is only necessary if you receive or have received Unemployment Benefit (Arbeitslosengeld) under SGB III, and this claim is in abeyance or has expired prematurely due to the suspension of benefits. This also applies if suspension of benefits is still being considered.

### **37 One-off revenues (Einmalige Einnahmen)**

Please indicate e.g. tax refunds, operating costs refunds, yield credits, gambling winnings and bonus payments here if this income accrues during the period of need (i.e. from the month of application onwards). Taking the example of a tax refund, this means that the actual receipt of payment is what matters and not the period relating to the taxation.

### **38 Irregular revenues (Unregelmäßige Einnahmen)**

Irregular revenues are, for example, sporadic sales of art by artists.

### **39 Child benefit (Kindergeld)**

If a member of your benefit community is in receipt of Child Benefit (Kindergeld), this must be specified. Child Benefit is normally assigned to the child as income in respect of the amount actually paid. In exceptional cases, Child Benefit can be considered in respect of the person entitled to Child Benefit.

In general, the parents, adoptive parents or foster parents of the child are entitled to Child Benefit. If the child lives with the grandparents, they may also be entitled to Child Benefit. The child himself/herself, however, is not entitled to Child Benefit.

#### **How is the Child Benefit considered if my child only lives with me periodically? (Wie wird das Kindergeld berücksichtigt, wenn mein Kind nur zeitweise bei mir lebt?)**

Child Benefit for a minor child living in turn with both separated or divorced parents is to be considered as income only in the benefit community in which the beneficiary of Child Benefit lives. Usually, this is not the benefit community with the temporary (shorter) stay. This means that a consideration of Child Benefit would not apply in respect of that benefit community.

#### **40 Child benefit notification (Kindergeldbescheid)**

You will receive notification from the Family Benefits Office informing you of your entitlement to Child Benefit (Kindergeld).

If you receive your Child Benefit from the Family Benefits Office of the Federal Employment Agency, you can see the amount of the payment as well as your Child Benefit number (Kindergeldnummer) and usually the period of time to which the payment relates, on your bank statement. If a Family Benefits Office in the public service is responsible for the payment of Child Benefit, you can see the amount of Child Benefit and the respective period of time on the salary statement (Bezügebescheinigung), provided that the Child Benefit is paid together with your wage or salary.

#### **41 Income-related costs/dispositions (Werbungskosten/Absetzungen)**

In connection with income from employed work, expenses are often incurred (income-related expenses). The necessary expenses are considered as a reduction in pay. In this way, for example, the expenses for the journey between your home and workplace are generally deducted on your income with € 0.20 per kilometre of distance.

Further expenses which are deducted as income-related costs are in particular:

- Expenses in connection with your employment contract (e.g. travel expenses, working re-sources, meals),
- Subsistence allowances,
- Parental income which is considered as part of educational assistance (e.g. Vocational Training Grant (Berufsausbildungsbeihilfe), Training Allowance (Ausbildungsgeld) and bene-fits in accordance with the Federal Educational Assistance Act (Berufsausbildungsförderungsgesetz – BAföG)) of a child,
- Expenses for legally prescribed insurance schemes (e.g. motor vehicle liability insurance),
- Private insurance for minor children. For the appropriate private insurance for minor children, a flat-rate sum of € 30.00 is deducted from the income of the minor child each month.

#### **42 Maintenance order (Unterhaltstitel)**

A copy of the part of the maintenance order (Unterhaltstitel) which states the amount of the maintenance payment will be placed on file.

#### **43 Bank statements (Kontoauszüge)**

It is generally necessary to present bank statements when making each application. As a general rule, bank statements of the last three months of every account managed by the members of the benefit community must be presented for inspection. In certain circumstances, the statement may be required for a short or long period. Presented bank statements with content not relevant to benefits shall be returned, or, if you have submitted copies, destroyed in conformity with data protection.

When presenting bank statements, it is generally allowed to black out special types of personal data. This for example includes particulars of ethnic origin, political opinions, beliefs, trade union membership, health or sex life (Art. 9 para. 1 GDPR).

However, you may only black out passages in case of expenditure, not in case of income. Only certain information with regards to the recipient and the transaction text may be blacked out, in the case of expenditure. The transaction concerned must remain understandable for review by the Jobcenter. In the case of payment of membership fees for political parties, for example, blacking out the name of the party in a bank statement is possible provided that the payment reference "membership fee" is still legible.

The bank statements presented may be stored/saved in the Jobcenter files as a copy if facts can be found on the bank statements which have a direct impact on the entitlement requirements of the benefits you have applied for under SGB II. The relevant Jobcenter shall decide about the storage/saving of your bank statements on a case-by-case basis. If storage/saving is not required, the bank statements or copies will be returned to you, or destroyed in line with the data protection regulations.

#### **44 Fair market value of real estate (Verkehrswert von Grundstücken)**

Information on the fair market value of real estate or owner-occupied flats is necessary so that if necessary, the Jobcenter can examine the issue of utilisation of the real estate through sale, mortgaging or renting. Sales contracts or valuation reports (a copy of each) that are not older than three years may be used as evidence of the fair market value of real estate. If such documents are not available, the Jobcenter takes as a basis for the calculations the values from guideline private value tables for undeveloped real estate, and the information from sales price collections of expert committees at land registry and land surveying offices for developed real estate.

#### **45 Household community with the person who caused the accident/damage (Häusliche Gemeinschaft mit der Person, die den Unfall/Schaden verursacht hat)**

In the event that a family member injures you or causes damage, the Jobcenter will not require him/her to provide compensation if:

- the damage/injury was not deliberate and
- a domestic community existed.

The same applies in the case of a later marriage between the injuring party and the injured party.

#### **46 Proof of claim for compensation (Nachweis eines Schadensersatzanspruchs)**

With the submission of documents relevant to the case, the Jobcenter will seek to form a picture on the state of affairs. Since a judgement, a settlement or an acknowledgement usually ends the legal dispute in relation to compensation, presenting a copy of the respective document suffices in these cases.

#### **47 Medical opinions (Ärztliche Gutachten)**

Please include a declaration on the release from medical confidentiality. Please also provide a copy of any available medical opinion concerning the accident or damaging event.

If you have any reservations about providing this information to a case worker, you may provide this data in a sealed envelope. Access to the medical opinion is limited to the persons authorised to do so.

#### **48 Presentation of a judgement, a judicial settlement, a decision or an extrajudicial maintenance agreement (Vorlage eines Urteils, eines gerichtlichen Vergleichs, eines Beschlusses oder einer außergerichtlichen Unterhaltsvereinbarung)**

As part of the verification of maintenance claims, you must provide an existing maintenance order (e.g. maintenance decision, temporary order in relation to maintenance issues), a settlement or written agreements from which a maintenance claim arises. In particular cases, submission of the original may be necessary (e.g. in case of a title conveyance in accordance with Section 727 of the German Code on Civil Procedure (Zivilprozessordnung)).

Only when, after thorough examination, it can be determined in accordance with SGB II that maintenance claims can be transferred to the Jobcenter will the documents necessary to pursue the claim be copied and placed on file. In the event of a divorce decree or decision, a submission of the actual maintenance order will suffice.

#### **49 Representative (Vertreter/in)**

A representative in the maintenance proceedings may be a lawyer, a legal advisor, a guardian or the Youth Welfare Office (Jugendamt).

#### **50 Correspondence (Schriftverkehr)**

When submitting correspondence, prior deletions are permissible. Copies are only placed on file insofar as they are required for pursuing a demised maintenance claim.

#### **51 Other income (Sonstiges Einkommen)**

Other income consists of, for example, pensions, Unemployment Benefit (Arbeitslosengeld) under SGB III, Parenting Benefit (Elterngeld) or continued payment of wages in case of sickness (Krankengeld).

#### **52 Certification of paternity in the case of illegitimate children (Nachweis der Vaterschaft bei nichtehelichen Kindern)**

Acknowledgement of paternity of an illegitimate child can be recognised with the certification of paternity (Vaterschaftsanerkennungsurkunde) and declaration of consent (Zustimmungserklärung) of the mother or a decree from the family court. A report of paternity need not be provided.

#### **53 Extra payment for health and nursing care insurance contributions (Zuschuss zu den Kranken- und Pflegeversicherungsbeiträgen)**

If you or a member of your benefit community is insured with a private health insurance provider at the time of application for Citizens' Income (Bürgergeld), an extra payment for private health and nursing care insurance shall be granted to you on application.

Furthermore, members of a benefit community who are not capable of work – i.e. people who receive Citizens' Income (Bürgergeld) for recipients who are not capable of work – or who receive Citizens' Income (Bürgergeld) only in the form of a credit can also apply for an extra payment for insurance contributions if they are compulsorily insured members of a statutory health insurance scheme, voluntary members of a statutory health insurance scheme or members of a private health and nursing care insurance scheme.

You must produce evidence of the amount of the contributions. The proof of the private health insurance contributions must not only show the amount of the contributions, but also whether these comply with the contributions of your individual base rate. If you are not insured as per the base rate, the contributions of this rate must be verified separately. The extra payment for private insurance is in principle transferred directly to your health insurance provider. Therefore, please specify the bank details of your health insurance provider.

If you become in need of assistance solely due to the payment of your contributions to a statutory or private health and nursing care insurance scheme, you will receive from the Jobcenter an extra payment in respect of the insurance contributions for the amount which is necessary to avoid the need for assistance. In the case of a statutory insurance scheme, the extra payment will be made to you directly. In the case of private insurance, it will be made to your private insurance provider.



You can also find helpful tips for filling in the application documents for SGB II in videos at:  
<https://www.arbeitsagentur.de/erklaer-videos-sgb2>