

# Hartz IV: Your Rights with the Authorities

## Your entitlement to social benefits & Your Rights

**The agencies responsible for Bürgergeld (Jobcenter), the social welfare offices (Sozialämter) and housing benefit offices (Wohngeldstelle) can be really tough opponents. Anyone wishing to submit an application often has to overcome a number of hurdles. Does this sound familiar to you??**

Good to know: Bürgergeld („Citizen's Income) and other social benefits are not handouts! You do not have to beg the authority. You do have Rights!!  
Do not be discouraged or sent away. Do not let them get rid of you  
Get legal advise! Don't go to the office alone if you don't want to! Do everything in writing if possible! Document everything for yourself!  
Do not sign anything you do not understand!

*Often at the Office they tell you without reason:*

**„We are not responsible! You have to go to another (other) responsible office.“**

In order for you to obtain your rights as quickly as possible, it is of course advisable to contact the appropriate authority. If in doubt, a call to the municipal/city administration (the "Bürgertelefon" (0421) 115) or the employment agency („Bundesagentur für Arbeit“) can help to save unnecessary trips:

**But in case of doubt: Even a "wrong" office, which is not responsible for your request, may not turn you away and must accept your application and forward it to the responsible office (§16 SGB I).**

### TIP

Don't let them send you halfway across town! Insist that your application is accepted and forwarded to the responsible office! Demand proof of receipt (e.g. receipt stamp on copy or confirmation of transmission)!

*But even those who end up at the relevant office sometimes hear the following:*

**"You are not eligible to apply/have no right to apply" or "We (unfortunately) do not accept your application".**

That is nonsense! All people from 15 years have the right to apply for social benefits (§ 36 SGB I)!

Das heißt allerdings noch nicht, dass Sie auch Leistungen bekommen können. Das muss das Amt entscheiden, das den Antrag angenommen und überprüft hat.

### TIP

Submit applications informally (i.e. also without a form), but in writing! (e.g. "I hereby apply for unemployment benefit II"). If the person in charge at the office refuses to accept your application, you can request a meeting with the supervisors. You can then try to submit your application there (again: always with proof of receipt or proof of mailing „Einschreiben“).

**„There is no point in making a application. You have no claim anyway!“**

Of course, it makes sense to get information or advice beforehand as to whether an application has a chance of being approved or not. But no one can tell at first glance whether a claim exists or not. That's exactly why the forms are so long. An agency may not refuse to accept applications because it considers the statement or application to be inadmissible or unsubstantiated.“ (§ 20 Abs. 3 SGB X).

TIPP:

If in doubt, it is better to submit one application too much. The office must send you a written answer ("Bescheid"). Insist on it! (§33 Abs. 2 SGB X).

**„You have to send this or that document first" or "You have to fill out this form first.“**

In fact, you often have to submit a lot of documents. But even an incomplete application is an application. It is valid from the day on which it was submitted.

You can also submit additional documents at a later date. In principle, a three-liner "I hereby apply for unemployment benefit I/ II (ALGI/Bürgergeld)" is considered an application. In legal terms, "application" means nothing more than a "unilateral declaration of intent". Only unemployment benefit (ALG I) must be applied for in person (since September 1, despite Corona again). All other applications can be submitted just as well in writing. (best by fax or registered mail (Einschreiben“).

**„We did not receive your documents" or "Your application did not arrive in time“**

You are sure that you have already handed in all the requested documents and then you receive another letter of cooperation in which you are requested to hand in exactly the same documents again? Or an application is rejected outright because the documents were allegedly not submitted on time? Since the introduction of the e-file, all incoming letters are opened in the scanning center and forwarded electronically from there to the person responsible in the benefits department. This often takes one to two weeks.

TIP:

Fax or submit all documents by certified mail. If you deliver documents in person, get a receipt stamp (with visible date, time, and signature). If you personally drop documents in the mailbox, it is best to take a person with you who can witness this. This is the only way you can prove in the event of a dispute (in court) that you did not cause the delay.

**"The form was filled out incorrectly" or "There was still information missing".“**

You wait weeks for a response and only find out on request that information was missing or that a form was not filled out correctly? Or the application form is returned to you without comment or with sparse information?

Of course, you can avoid this by seeking help from a counseling center in advance. However, the job center or another office may not simply turn you away: there is an obligation to provide information and advice (§§13, 14 SGB I). Social benefit agencies must inform you of your rights and obligations and cannot simply refer you to counseling centers. This also applies if you are not entitled to the benefit you have applied for, but to another benefit (e.g. you are not entitled to Bürgergeld, but to housing benefit).

**„The documents were in English. You need to have everything translated“**

It is true that Article 19 (1) SGB X states that the official language is German. However, § 19 para. 2 SGB X states "If applications are submitted to an authority in a foreign language or if submissions, receipts, certificates or other documents are submitted, the authority shall immediately request the submission of a translation within a reasonable period to be set by it if it is not in a position to understand the applications or documents." In other words, a translation can only be requested if the authority is unable to understand the documents. So for documents in English, it is reasonable to expect that there are people in the office who can understand them.

TIP: In individual cases, the costs of translating certificates or other documents that are necessary for initiating or taking up employment can be covered within the framework of the placement budget according to § 44 SGB III.

### **"When you call job center you must speak German".**

According to EU law, EU citizens and third-country nationals and their dependents who are legally resident in the EU may not be discriminated against on the basis of their language when applying for social benefits. This also means: the assumption of costs for interpreters and translators by the responsible authorities.

TIP:

If you have an appointment at the Jobcenter or want to call there, you can organize a translation beforehand. The Jobcenter Bremen makes this possible under the service numbers 0421/178 2666 and 0421/5660-0

*The following also happens sometimes:*

### **You submitted your application more than six weeks ago and have not yet received any money. You do not know how to pay your rent and how to support yourself.**

Do not be put off by the official processing time! Even if you have not yet submitted all documents, you can still apply for an advance payment in an urgent emergency (§ 41 a (1) SGB II). The Jobcenter can then issue a provisional decision and pay out an urgently needed (partial) amount directly.

TIP: Use a current bank statement to prove that you are broke and urgently need the money!

### **You have had your unemployment benefits reduced or canceled. Or: You consider a decision by the authority to be unjustified.**

Do a written objection within one month ("I hereby object against your decision of ... I will submit reasons later"). Inform yourself about a possible justification! Get advice on this!

Tip: If you do not notice an incorrect decision by the authorities (e.g., an incorrect imputation of income) until later, you can challenge the corresponding decision by filing an application for review. This applies to all notices from the entire previous calendar year.

### **Your case worker urges you at an appointment to sign the integration agreement immediately**

You are not obliged to sign the agreement at the office immediately. You can take it home with you and read through it carefully or ask for further advice. Only then should you sign it. You can try to negotiate the conditions in the integration agreement (e.g. number of applications). If you refuse to sign the integration agreement and an integration administrative act (decision) is issued, you can do an objection.

### **You are under 25 years old and no longer want to live with your parents. When you call job center, you are turned away.**

If there are good reasons for moving out (e.g. massive conflicts), then you cannot be forced to stay with your parents. Anyone who is 15 years old or older is considered capable of acting in social law (§36 SGB I) and can apply for social benefits and speak for themselves without the parents' signature. Individuals under the age of 25 who have their own child are also entitled to their own benefits..

## **Your case worker is constantly calling your cell phone or sending daily emails with placement suggestions.**

Basically, you do not have to provide your phone number or email address. E-mails must be sent in encrypted form. In addition, the "Erreichbarkeits-Anordnung - EAO" of the BA (§ 7 para. 4a SGB II) regulates that you must be personally reachable by mail on every working day at your place of residence or usual place of abode at the address (home) you have given. This means: only if you cannot empty the mailbox every day, you have to inform the Jobcenter.

Note: Due to „Bürgergeld-Gesetz“ ("Citizen's Income Act"), accessibility will be newly regulated in § 7b SGB II from 01/07/23.

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