

Corona and Studying: FAQs for Students

Coronavirus

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Was ist mit meinem BAföG, was, wenn ich den Nebenjob verliere, was mit meinem Mietvertrag im Wohnheim? Viele Studenten- und Studierendenwerke informieren auf ihren Websites die Studierenden mit FAQs zu den Auswirkungen der Corona-Krise. Hier einige Beispiele:

These FAQs are based on preliminary work by the Studentenwerk Leipzig - for which we are very grateful!

<https://www.studentenwerk-leipzig.de/en/news/coronavirus-effects-offers-studentenwerk-leipzig> [9]

Do the corona pandemic and the postponement of the 2020 summer semester have any effect on my Federal Training Assistance Act grant or loan (BAföG) (This applies mainly to German students.)?

No, as the Federal Ministry of Education and Research has announced by decree,

in no circumstances does the postponement of the start of lectures affect eligibility for BAföG. At the moment, students (irrespective of whether they are first-year students or are already receiving support) need not fear that there will be no money in or for April 2020. Self-tuition and online studying count as studying activities as well. Also, please get the latest information at your Studentenwerk or Studierendenwerk office. It is important that the application for BAföG must be submitted by April 2020 at the latest if you have not yet received a BAföG notification for the 2020 summer semester.

The corona crisis has acutely affected my parents; they have either no income at all or it is strongly reduced. Do I receive more BAföG now (This applies mainly to German students.)?

If your parents are earning less income now, for example owing to reduced working hours, your prospects for BAföG support or higher BAföG support are better.

Case constellation 1:

If you have not received any BAföG yet because your parents' income was too high, but your parents are now earning less, you can submit a new application for BAföG at any time and have it evaluated on current parental income.

Case constellation 2:

If you are already receiving BAföG but current parental income is lower (for example because of reduced working hours), you can submit a BAföG updating application, and your BAföG office will assess your new BAföG amount.

Generally, if you have further questions, consult your Studierendenwerk or Studierendenwerk (STW)

BAFöG office as soon as possible.

Will I continue to be entitled to my parents supporting my studies?

Yes, provided that your parents continue to be economically viable; otherwise you could be eligible for BAFöG.

Self-tuition (reading specialist literature, research for and writing of theses, etc.) or studying online also count as studying activities, especially in the present situation.

Furthermore, for once, parents have to accept delays and interruptions in your studies and the longer period of providing support that this entails. When studying is delayed or interrupted, the individual case has to be reviewed, especially with regard to whether there are special, acceptable reasons for delays. In the present situation, which nobody could have reckoned with, a delay in studying based on measures by authorities has certainly come about through no fault of your own. Nevertheless, you ought to make use of the extended period without lectures as time for your self-tuition.

I am considering taking a break semester because of the corona crisis. What do I have to keep in mind?

Please note that for break semesters, which are conceived as taking a break from studies, you are not entitled to BAFöG, precisely because you are not studying! Please find out before taking a break semester what the consequences would be for financing your studies – this is essential! You can consult the social counselling officer of your STW for details of the requirements for obtaining benefits in accordance with Social Security Statutes II (basic security benefits, “Hartz IV”). However, what is important is to remember that a break semester does not count as studying; neither may you perform any academic achievements in a break semester.

If I am working part-time as a student, e.g. based on a “Minijob”, can I simply be dismissed?

There are certain requirements for dismissals in accordance with labour law: dismissal always has to be in writing; via E-mail or by word of mouth is insufficient. In addition, notice must be given in advance, with time depending on the length of employment and contractual or collective bargaining provisions: normally at least four weeks, but in the probation period often just two weeks. If you have been working for a company with more than 10 full-time positions for longer than six months, the law does protect you against wrongful dismissal. In certain circumstances, however, employment can be terminated for operational reasons. Limited employment contracts can only be terminated if the contracts contain regulations pertaining to this. Every dismissal requires that the works council be heard, provided that the company concerned has one. All this applies irrespective of whether you are working on a “Minijob” basis or within a “normal” employment relationship. If any doubts arise, you therefore ought to obtain legal advice in order to be able to assume your rights as an employee.

If I lose my job or my wages are not paid, am I currently entitled to housing benefits?

Not automatically. Anyone without income owing to job loss or suspension of wage payments is not automatically entitled to apply for housing benefits. The basic precondition for turning down an application for BAFöG “on the merits and to the extent” and testing of covering of monthly living costs continues to apply. In a nutshell, the eligibility requirements for housing benefits stay the same.

If I lose my part-time job or my wages are not paid, am I entitled to unemployment benefits II (ALG II) (This applies mainly to German students.)?

No, you are currently not generally eligible for ALG II benefits.

As a rule, full-time students are not eligible for benefits in accordance with Social Security Statutes II.

There are only a small number of exceptions, such as:

- in a **break semester** owing to pregnancy/parenting or leave taken because of illness/impairment. It is important that no studying activities are performed during leave taken based on the reasons referred to above since the ALG II benefits could otherwise be called into question and possibly reclaimed. In addition, other requirements must be fulfilled. You can discuss whether you are eligible for ALG II with the social counsellor of your Studenten- or Studierendenwerk.
- In **part-time studies** because of pregnancy or parenting and leave taken because of illness/impairment parenting. Here too, various aspects have to be considered, and further requirements must be met. Get advice from your social counselling officer!
- In **hardship cases**, for example if financing collapses through no fault of your own and at an advanced stage of studying, benefits may be considered by the “Jobcenter” as loans in accordance with § 27 Section 3 SGB II.
- **Special needs** among certain persons eligible for benefits in accordance with § 21 SGB II; this concerns, for instance, students with children or students with impairments.

I have lost my job. Where can I look for job offers?

In online job portals. Some are targeting students, or operating with a regional focus. Currently, there is an increased staffing demand in a number of areas. Try and actively apply there:

- food and drinks delivery services
- supermarkets, food stores
- logistics
- cleaning businesses
- filling stations
- harvest hands; here, this new portal has been launched: <https://www.daslandhilft.de/> [10]

Could I also earn short-time allowance as a student part-time worker?

No. Students working part-time are not obliged to pay into health, nursing care or unemployment insurance. And anyone not paying into unemployment insurance is not eligible for short-time allowance.

In addition to studying, I am self-employed or work as a free-lancer and have lost my contracts or can no longer perform them owing to the government measures to contain the corona virus. Am I eligible for benefits in accordance with the Infection Protection Act?

Here we have to step back a little. The Infection Protection Act (“Infektionsschutzgesetz” or IfSG) provides for what are partly very drastic measures to contain the spread of infectious diseases and

facilitate their treatment. Such measures may for example be prohibitions of activities or quarantine regimes. Specific official prohibitions of activities or quarantine measures ordered by authorities addressing an individual who poses a risk of infection may trigger eligibility for compensation in accordance with the Infection Protection Act (IfSG).

However, please note that voluntary quarantine, for example, does not make an individual eligible for compensation. In accordance with § 56 Section 2 IfSG, compensation is based on the loss of income. For the first six weeks, it is awarded corresponding to the loss of income. From the beginning of the seventh week on, it is granted at the level of sick pay in accordance with § 47 Section 1 of the Fifth Statute of the Social Security Statute, provided that loss of pay is not in excess of the annual earning limit taken as a base for mandatory statutory health insurance.

For self-employed persons, compensation amounts to 1/12 of the net income earned in one month (average of the last year before the suspension of the prohibited activity). Self-employed persons whose livelihood is threatened through an IfSG measure can have additional costs reimbursed at an appropriate level by the responsible authority. If the company concerned has to close down, in accordance with the IfSG, a refund of the operational costs arising over the duration of the measure which are not covered will be provided to an appropriate level.

Compensation is only paid on application, and there are very short deadlines for applications! Make sure that you send your application to the responsible authority within a period of three months after the prohibited activity was suspended or quarantine was lifted.

What else can I do if I happen to be unable to pay my health insurance, rent, mobile phone bill, etc.?

Actively report to your health insurance, your landlord, your mobile phone company, your radio broadcasting company, etc. if you are unable to make your payments at the moment. Request a deferral of payment and, should this be necessary, a dunning block. If possible, you could also inquire whether it would be possible to make a reduced down payment.

Where can I get financial support? Do I have to take out a loan?

The best thing to do is to consult the social counselling officer of your Studenten- or Studierendenswerk (STW). Many STWs also maintain hardship funds or loan funds, such as the Bavarian STWs. And then there is the DAKA of the STWs in North-Rhine Westfalia, in which the Studentenwerk Frankfurt am Main participates too:

<https://www.daka-darlehen.de/> [11]

Online overview of the STWs' loan offices:

<https://www.studentenwerke.de/de/content/darlehenskasse> [12]

Can I simply be fired from my student- or mini-job?

According to labour law, dismissals must be in line with certain preconditions: the notice of dismissal must be in written form; an E-Mail or oral dismissal is not sufficient. And a certain dismissal notice period must be respected. This period depends on the length of employment as well as on other (labour related) legal obligations: normally four weeks, within a trial period only two weeks. If you have been employed for more than six months in a company with more than ten full-time employees, you are in principle protected against unfair dismissal, but an operational lay-off is possible under certain conditions. For example, fixed-term employment can only be canceled when this is mentioned in the contract of employment. For any dismissal, the works council must be heard, if there is one in the company. This is not dependent on the question whether you have a mini-job or are in "normal" employment. If in doubt, please make sure you get legal counsel in order to defend your employment rights.

What should I bear in mind if I am considering taking out a student loan?

Look at various offers and compare them carefully. Examine the requirements those offering them make for a student loan, the processing charges, the interest rate and the repayment arrangements. It is important for you to have a look at the total repayable amount for the loan in various repayment constellations before you actually sign the contract. Make sure that you get detailed information about possible additional costs that could arise for you. The best thing to do is to obtain advice from the social counselling officer or the studies financing officer of your local STW.

I have lost my part-time job, and my parents, who support me financially, are currently on short-time allowance and can only provide me with a reduced level of support. From next month on, I will be unable to pay the Studentenwerk the rent for my one-room apartment. Do I now have to reckon with the Studentenwerk giving me notice?

In this situation, you need not fear a termination of your rental contract for this reason alone. However, do immediately get in touch with your Studenten- or Studierendennwerk to avoid missing important deadlines!

As a first step, please obtain information via the website of your Studenten- or Studierendennwerk regarding FAQs listed there. If that does not answer your questions, please immediately contact your hall of residence administration. Now, most hall of residence administrations are in home office and can only be contacted by telephone. You will also find the telephone number in the website of your Studenten- or Studierendennwerk or in your rental contract. Your Studierendennwerk will find a solution to your problem together with you!

As a rule, there are deferral options for your rent. In addition, in certain circumstances, housing benefits or BAföG could be applied for. Nevertheless, in the current situation, there are usually other opportunities to obtain financial support. Get information at your Studenten- or Studierendennwerk!

I am a student abroad and wanted to start studying in Germany as of the summer semester 2020. I already have a rental contract with the local STW for a room at a hall of residence. Does my rental contract remain valid? Can I terminate the contract without notice?

Yes, the rental contract remains valid. And no, as a rule, it is not possible to terminate the contract without notice. The contractually agreed periods of notice apply. In this case too, you should immediately contact the hall of residence administration of your Studenten- or Studierendennwerk in order to find a solution for a desired premature termination of the rental contract.

I am a foreign student, and because of the pandemic, I have lost the part-time job that is financing my studies. I can no longer pay my rent. I would like to return to my home country as soon as possible and relinquish my room at the Studierendennwerk. Can I terminate the contract for my room without notice?

Generally, you cannot, since the contractually agreed periods of notice apply. In this case too, you should immediately contact the hall of residence administration of your Studenten- or Studierendennwerk in order to find a friendly solution.

I am an exchange student from abroad and live in a student hall of residence. Because of

the pandemic, I have decided to fly back to my home country. This is an entirely official decision taken by the university and me. But unfortunately, hall of residence contract runs until July 2020. So must I interrupt or terminate the contract?

You are absolutely welcome to return to your home country. Your rental contract runs until the date stated. Please inform the hall of residence administration that you are leaving. There is no need to give notice of terminating your contract for this purpose.

I am an international student, and my visa will expire soon. How can I get an extension of my residence permit?

Please contact the local foreigner's registration office („Ausländerbehörde“).

The Federal Ministry of the Interior (BMI) has ordered the foreigner's registration offices to issue fictional permits (“Fiktionsbescheinigung”) without any further proof and for an extended period as long as the application for an extension has been filed in time (§ 81 Absatz 4 AufenthG).

The current title of residence remains valid from its expiry date until a decision of the foreigner's registration office has been taken (§81 Absatz 4, Satz 1 AufenthG). The fictional permits that must be issued according to §81 part 5 AufenthG are only necessary for providing adequate proof. This is even the case when the application for an extension has been filed with an informal request (e.g. by telephone, online, per E-Mail or postal services).

I am an international student from a non-EU-country and can no longer finance my studies due to the corona-pandemic (loss of student job, financial difficulties of my parents caused by the pandemic). I have to apply for a continued residence permit soon. What happens if I cannot provide proof of sufficient means of subsistence (“Lebensunterhaltssicherung“)?

Please contact the foreigners' office (“Ausländerbehörde“). The Federal Ministry of the Interior (BMI) has published a recommendation to the foreigners' offices to waive the proof of sufficient means of subsistence in the case of student residence permits, if the financial difficulties are caused by the corona pandemic.

I am an international student from a non-EU-country and intend to work in a key domain (such as hospitals, ambulances, etc.) and beyond the 120 full or 240 half-days that are allowed. Is this possible in the current situation?

Please contact the foreigners' office. The Federal Ministry of the Interior (BMI) has recommended to the federal states and the foreigners' offices to issue work permits that principally require agreement by the Federal Employment Agency in order to use newly created job opportunities. Explicitly mentioned is the importance to win workers in agriculture (helping hands for the harvest). But please always consider: the current corona crisis is serious. In any case, measures for hygiene must be respected at work.

I am an international student from a non-EU-country. My studies might be delayed due to the corona-pandemic. Can I expect that my study-related residence permit will be extended accordingly?

Please contact the foreigners' office at due time. The Federal Ministry for the Interior (BMI) has made the following recommendations to the Federal states (Länder) and the foreigners' offices: if limitations to the teaching and learning at institutions of higher education are caused by the corona-pandemic have led to an extended time of study, such limitations must be considered as circumstances that have not been caused by the student.

I am an international student from a non-EU-country and have been admitted to study in Germany. Due to current travel restrictions, I cannot yet enter Germany and am taking online courses instead. Do I still need to have health insurance in Germany?

Not for now. International students from non-EU-countries who do not stay in Germany during their studies are exempt from compulsory health insurance in analogy to students at distance learning universities. This means that the universities can register them as regular students with the status "not subject to compulsory insurance". It should be noted that the obligation to take out health insurance will apply upon the student's later entry into Germany. If the entry takes place during the current semester, contributions to health care insurance can be waived on a case-by-case basis until the time of entry.

I am sharing a flat with three other people in a student residence hall of the Studentenwerk. Can terminating my rental contract cause a problem for the others?

No, this is generally not the case at the Studenten- and Studierendenwerke since every tenant holds a rental contract of his or her own with the local Studenten- or Studierendenwerk.

But this could be different if you have been sharing a flat with others belonging to a private landlord. Here, you often have to keep in mind who is the main tenant and who is the subtenant. If you are the main tenant and give notice, all the other tenants will automatically also lose their rooms in the shared flat on the date that the termination of the contract comes into effect. However, if you are just a subtenant in this shared flat, you can terminate the contract for your room in accordance with the contractually agreed periods of notice without the other tenants losing their rooms as well.

I have a rental contract with the Studentenwerk as of April 1st, 2020. Owing to the current situation, I am however unable to move. In spite of this, both the deposit and the total rent will be debited from my account in April. This is a lot of money for me. In the meantime, there is no teaching or classes at my university; given the curfews, I do not intend to travel to my university location for the time being. I would like to find a solution since I am still keen to study at my university once things have returned to normal.

Officially, teaching has so far been suspended at universities, and at most STWs, rental contracts run at least until the end of the summer term (as a rule with the regular period of notice). Your rental contract cannot be simply terminated. You must urgently contact your Studenten- or Studierendenwerk in order to find an amiable solution.

My rental contract with the Studierendenwerk ends on the 31st March 2020, since I intended to move out /depart. Owing to the present situation, I am staying at my university location for the 2020 summer semester after all and am continuing my studies as far as possible. However, my room has been let to someone else as of April 1st, 2020. Can I now keep the room after all? Or could I obtain another room in April? Can I move to another hall of residence?

If the room has already been let to someone else, you cannot stay in your room because a legally valid rental contract exists for the room with the new tenant. Please apply anew at your STW's housing office, and, once receipt of your application has been confirmed, contact your responsible officer in charge at the respective residence hall administration.

Rooms may well still be vacant at the halls of residence of the Studenten- and Studierendenwerke since other students have cancelled their applications. However, no one can guarantee that you will

be able to move in as of the 1.4.2020 – or possibly a little later.

I gave notice for my one-room apartment at the Studentenwerk for the end of March 2020 and would really have to move out next week. Now I have contracted Covid-19, or I have been put under quarantine. Must I move out?

No. In this situation, no Studenten- or Studierendenwerk will demand that you move out of your apartment! Now, too, what applies is what the law of enforcement stipulates, namely that the tenant's right to physical integrity takes precedence over the owner's/landlord's interest to have the apartment vacated. Since all people are called upon to act in solidarity and drastically reduce contacts, the tenant cannot be obliged to move out. This is also in the interest of others.

This also applies if you are living in a flat or a room in a flat shared with others, or if you are a subtenant in private housing market accommodation.

My neighbour has contracted Covid-19. May I lower the rent?

No. A flatmate or neighbour falling ill does not represent any shortcoming regarding the object of rent and thus cannot be a reason to lower the rent.

Must I let the caretaker or my landlord into my home, for example to examine the flat or to carry out repairs?

Whether the caretaker or the landlord is allowed to inspect your flat depends on balancing the landlord's right to property with the student's right to privacy. Furthermore, in the event of a pandemic, the protection of the tenant's physical integrity needs to be considered as a crucial aspect. Inspections not being carried out in pursuit of any urgent purpose therefore have to be postponed until after the pandemic. However, if repairs are necessary, for example in the case of a pipe burst, you have to allow access to the flat.

My financial support for my studies has collapsed, the university is closed, my room at the hall of residence is very small, and I cannot meet up with friends anymore. In addition, I am scared of the corona pandemic. Whom can I consult with my concerns and fears?

Many Studenten- and Studierendenwerke have psychological counselling offices. You can talk about your worries and fears with the counsellors, anonymously and free-of-charge. Unfortunately, this is possible not personally at the moment, but via telephone or online. Please get an appointment now. You can find the contact details of the counselling centre at your university on the website of your Studenten- or Studierendenwerk, or here: <https://www.studentenwerke.de/de/ansprechpersonen-psb>
[13]

I am an international student and would like travel home. Where can I get information?

Should you be about to return home, please first get in touch with your German university. If you are living in a student hall of residence, please also contact the hall of residence administration of your local Studentenwerk.

The Foreign Office of the German Federal Government will keep you up to date with the latest travel and security notices:

<https://www.auswaertiges-amt.de/de/ReiseUndSicherheit/reise-und-sicherheitshinweise> [14]

Your home country's embassy or consulate in Germany will also provide you with information:

<https://www.auswaertiges-amt.de/de/ReiseUndSicherheit/vertretungen-anderer-staaten> [15]

I have heard that there is an emergency child benefit now. What does this mean exactly and can I apply as a student with a child/with children?

The regular child benefit („Kinderzuschlag“ or KiZ) was established as an alternative to unemployment benefits („Arbeitslosengeld II“) for parents who have enough money for their own existence but not enough for those of their child/children. An application for KiZ can be filed in addition to the family allowance („Kindergeld“).

In order to ease the effects of the Corona Pandemic on families, the following three modifications have been approved from April 1, 2020 until September 30, 2020 in form of the so-called Emergency Child Benefit („Notfall-Kinderzuschlag“ or Notfall-KiZ):

1. For new applications filed between April and September 2020, the calculation of income is based only on the income of the last month before the application is made. In these cases, property is usually not considered.
2. For applications that have been decided on before April 1, 2020 or where the period of approval has begun before this date, a verification can be filed once during April and Mai 2020. For this verification, only the income of the last months is relevant.
3. In cases that have already been decided and where the highest-possible amount for children has been granted, and where the six-month period of approval ends between April 1 and September 30, 2020, an automatic extension for another six months is granted ex officio („von Amts wegen“). You can find more information on Notfall-KiZ provided by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) [here](#).

For students with a child/with children, the child benefit as well as the emergency child-benefit can be taken into account under certain conditions.

The semester has started online at my higher education institution, and exams are taking place. Given the closure of childcare facilities my participation is difficult. What can I do?

Students with children are facing great challenges due to the start of the semester in a digital form at higher education institutions. Like all child care facilities, the „Kita“ of the student service organisations (STWs) are obliged to implement the available instructions of the federal states („Länder“) regarding closure and emergency care since middle of March. According to this, so far only parents in professions that are relevant to the system („systemrelevant“) as well as working single parents may use the emergency care. The STWs and DSW lobby for an opening here. End of April, the Federal Ministry for Families as well as the State Ministries have presented a framework for a step-by-step opening of child care facilities; the implementation is managed by the Länder and the local administrations. As long as no (emergency) childcare is available for students with children, you can alert your higher education institutions (faculty department, family affairs office, or anti-discrimination office) that you cannot participate in online learning/exams on an equal basis and request possible compensation for disadvantages („Nachteilsausgleich“). The Federal Framework Law on Higher Education („Hochschulrahmengesetz“) as well as the higher education acts of the Länder provide the legal framework that students with children may not be discriminated against due to a change of teaching and learning to online formats and similar and must possibly receive a compensation of disadvantages.



As of the 9th June 2020, this document will be constantly updated

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Links

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