

## Information for refugees with a disability

### What is a disability?

If you have an impairment and cannot participate in all aspects of life (either from birth or later as a result of an illness or accident), you should arrange for a review of whether you have a disability. This makes it possible to check whether you are able to receive special support in your everyday life.

According to §2 (1) of Book IX of the German Social Code: “Persons with disabilities are persons with physical, mental or psychological impairments which, in interaction with environmental barriers and negative attitudes, are highly likely to prevent them from participating equally in society for more than six months. An impairment under sentence 1 is present if the condition of a person’s body and health differs from the condition typical for the person’s age. A person is threatened by disability if an impairment under sentence 1 is to be expected.”

### What rights do people with disabilities have?

People with disabilities have a right to support for self-determination and their full, effective and equal participation in life in society. Benefits are governed by Book IX of the German Social Code, Rehabilitation and Participation of Persons with Disabilities. In Germany, it is not permitted to discriminate against any person by reason of his/her disability. This is stated in Article 3 (3), sentence 2 of the Basic Law of the Federal Republic of Germany. Alongside the German statutes governing the rights of disabled persons to benefits, there are also several EU legal directives, treaties and international conventions. The European Convention on Human Rights, the UN Convention on the Rights of Persons with Disabilities and the EU Reception Conditions Directive also influence the rights of refugees. Whilst the EU Reception Conditions Directive specifies minimum standards for asylum seekers, the UN Convention on the Rights of Persons with Disabilities applies to all persons irrespective of their residency status and the European Convention on Human Rights contains fundamental and human rights that are important for asserting these rights.

### How do I get a disabled person’s identity card?

After a disability has been ascertained, the physicians in charge will often inform the persons concerned about how and where to apply for the ascertainment of a disability.

Applications for the ascertainment of a disability in the legal sense and the degree of disability can be made directly to the responsible Landesamt für Soziales, Jugend und Familie (Regional Authority for Social Affairs, Youth and Family) or through the advice centre supporting the applicant.

The degree of the disability will be determined by the medical expert for the responsible social welfare administrators.

## Areas of responsibility of the offices of the Regional Authority for Social Affairs, Youth and Family

### Offices of the Regional Authority for Social Affairs, Youth and Family (*Versorgungsämter – Offices for Social Provision*)



Source: [http://www.soziales.niedersachsen.de/startseite/behinderte\\_menschen/disability\\_und\\_ausweis/361.html](http://www.soziales.niedersachsen.de/startseite/behinderte_menschen/disability_und_ausweis/361.html)  
(downloaded on 29.06.2019)

**You can find the contact details of the locations on the next page or through the above link**

Osnabrück Office  
Iburger Str. 30  
49082 Osnabrück  
Tel: 0541/5845 1  
Fax: 0541/5845-297

Lüneburg Office  
Auf der Hude 2  
21339 Lüneburg  
Tel. 04131/15 0  
Fax 04131/15 3295

Landesamt für Soziales,  
Jugend und Familie  
(Regional Authority for  
Social Affairs, Youth  
and Family)

Domhof 1  
31134 Hildesheim  
Tel: 0 5121/3 04 0  
Fax: 0 5121/30 46 11

Oldenburg Office  
Moslestr. 1  
26122 Oldenburg  
Tel.: 0441/2229 0  
Fax: 0441/2229 7470

Hannover Office  
Schiffgraben 30-32  
30175 Hannover Tel.:  
0511/89701-0 Fax:  
0511/89701-166

Verden Office  
Marienstr. 8  
27283 Verden (Aller)  
Tel: 0 4231/14 0  
Fax: 0 4231/14-1 53

Braunschweig Office  
Schillstr. 1  
38102 Braunschweig  
Tel: 0531/70 19 0  
Fax: 0531/70 19-1 99

## Where do I apply for the necessary benefits?

Medical rehabilitation includes the following benefits: medical treatment; medicines and dressings; therapies<sup>1</sup> (e.g. physiotherapy, speech therapy, occupational therapy); aids<sup>2</sup> (e.g. visual aids, hearing aids, prosthetics, wigs, orthopaedic bandages); early detection and early intervention (assistance for children with disabilities, medical, psychological, special educational, psychosocial services); stress tests and work therapy (the promotion of existing professional skills and/or mental psychological capacity by practising specific occupational tasks).

If your asylum process is ongoing or you have a permission to remain until deported and you have health

insurance, then you will receive all medical rehabilitation benefits from your **Krankenkasse (health insurance provider)**.

1. Therapies directive of the joint committee concerning the prescription of therapies by doctors accredited by statutory health insurers dated 20.1.2011/19.5.2011
2. **Therapies** directive of the joint committee concerning the prescription of aids by doctors accredited by statutory health insurers dated 20.1.2011/19.5.2011

You are entitled to health insurance if you have already lived in Germany for 15 months or if you are employed subject to mandatory social insurance contributions. If you do not have statutory health insurance notwithstanding the above, please contact an advice centre.

If you are still in receipt of asylum seekers benefits under § 3 of the German Asylum Seekers Benefits Act (§3 AsylbLG) because you have not lived in Germany for 15 months or you do not possess health insurance for other reasons, then you need to apply for medical rehabilitation benefits at the **social welfare office responsible** for you.

If the medical treatments and/or rehabilitation measures/aids prescribed by your doctor are not approved, please contact an advice centre.

If your disability is the result of an accident at work or an occupational illness, you will receive all benefits from the statutory **accident insurer and/or (if applicable) statutory pensions insurer**. **Further information in relation to this can be obtained from your employer.**

## Where can I obtain advice?

- Specialist migration services: Caritas, Paritätische Wohlfahrtsverbände (equal welfare organisations), Diakonisches Werk (a charitable organisation of various churches in Germany), Deutsche Paritätische Wohlfahrtsverband (German Federation of Equal Welfare Organisations), Arbeiterwohlfahrt (Workers Welfare Association) and Deutsche Rote Kreuz (German Red Cross)
- Bundesverband Lebenshilfe (Federal Counselling Association)
- Church communities
- Town and municipal advice centres
- Ergänzende unabhängige Teilhabeberatung (EUTB) (Supplementary independent advice service promoting the participation of disabled persons)
- Support associations

## Access to benefits for refugees with disabilities

An overview of relevant benefit providers considering different legal grounds and different periods of residence in Germany

| Relevant time period                  | Legal grounds  | Benefit provider                       |
|---------------------------------------|--|--|
| In the first 15 months                | Asylum seekers benefits under §3 AsylbLG   | Social Welfare Office                  |
| After 18 months                       | Asylum seekers benefits under §2 AsylbLG / analogous to SGB XII (Book XII of the German Social Code) , but not identical | Social Welfare Office                  |
| After a successful asylum application | SGB II or SGB XII as applicable  | Job Centre or Social Welfare Office as |

A non-exhaustive summary of places to obtain advice and additional responsibilities

|   |   |
|---|---|
| <b>Advice and assistance:</b>                               | Specialist migration services (Caritas, Paritätische Wohlfahrtsverbände (equal welfare organisations), Diakonisches Werk (a charitable organization of various churches in Germany), Deutsche Paritätische Wohlfahrtsverband (German Federation of Equal Welfare Organisations), Arbeiterwohlfahrt (Workers Welfare Association), |
| <b>Advice prior to applying for benefits:</b>               | Ergänzende unabhängige Teilhabeberatung (EUTB) (Supplementary independent advice service promoting the participation of disabled persons)   |
| <b>Statutory right to advice:</b>                           | Rehabilitation and social welfare benefits providers  |
| <b>Application for a disabled persons' pass and advice:</b> | Regional Authority for Social Welfare, Youth and the Family ( <i>Versorgungsämter</i> – Offices for Social Provision)   |
| <b>Implementation of integration support:</b>               | <b>[Implementation of integration support:]</b> Districts and independent towns (the district or independent town's entire administration is responsible and, if not responsible, must pass the application to the correct office within two weeks)   |