

# Return Assistance Act (November 28, 1983)

## Abstract

The Act to Promote the Willingness of Foreigners to Return, or Return Assistance Act for short, offered unemployed foreigners a “welfare payment” (Norbert Blüm) to move back to their countries of origin: 10,500 DM plus 1,500 DM per child. In addition to this return bonus, interested persons received counseling on reintegration into the labor market of their respective countries of origin. There is still an entitlement to such counseling services.

## Source

The *Bundestag*, with agreement of the *Bundesrat*, passed the following law:

### Article 1

Return assistance law (RückHG)

### §1

#### Persons eligible

(1) Return assistance can be claimed by employees who

1. are not married to a German and are citizens of a state that has concluded an agreement with the Federal Republic regarding recruitment and employment of employees and is not a member of the European Community.

a) became unemployed after October 30, 1983 and before June 30, 1984, because of shut-down of the entire business or significant portions of the business, or because of bankruptcy, and were reported as unemployed until outside the area of validity of the law, or

b) had an uninterrupted claim to the short-term work benefit for lost working hours within the last six months before the application for return assistance, those lost hours encompassing at least twenty of a hundred of the business's work hours as defined in §69 of the Employment Promotion Act.

2. Submitted an application for return assistance by June 30, 1984.

3. At the time point of exit, possessed a valid residency permit or right of residence.

In cases of Subsection (1), Number 2 [sic – 1], Letter b, an interruption in the receipt of the short-term work benefit according to § 67, Subsection 3 of the Employment Promotion Act is to be left out of consideration.

(2) Return assistance shall only be paid for employees who have permanently left the area of validity of this law with their families in the period after October 30, 1983, and before September 30, 1984. The family includes the spouse and children for whom the employee is legally obligated to pay maintenance and entitled to custody. That does not apply to a spouse living separately who has already been residing lawfully in the area of validity of this law for five years and has available an independent guaranty of subsistence.

### §2

Amount of Return Assistance

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(1) The return assistance amounts to DM 10,500. The amount is to be increased by DM 1,500 for each child of the employee who resides lawfully in the area of validity of this law, returns with him, and entered before June 1, 1983. This supplement shall only be granted for a child one time.

(2) If the employee does not leave the area of validity of this law until after January 1, 1984, and later than one month after the conditions cited in § 1, Subsection (1), Number 2 have been met, the amount of DM 10,500 shall be reduced by DM 1,500 for every further month started in the case of § 1, Subsection (1), Number 2, Letter a, and by DM 750 in the case of § 1, Subsection (1), Number 2, Letter b. After the passage of seven months the return assistance benefit shall no longer be paid.

### §3

#### Commissioning of the Federal Employment Office

Return assistance shall be granted by the Federal Employment Office according to technical instructions from the Federal Ministry for Labor and Social Affairs.

### §4

#### Funding by the Federal Government

The expenditures of the Federal Employment Office shall be covered by the Federal Government. Administrative costs shall not be reimbursed.

### §5

#### Procedures

Return assistance shall be applied for in writing at the employment office. The employment office in whose district the employee has his residence before leaving the area of validity of this law is responsible for taking receipt of the application and making the decision about the claim. Upon request for a provisional decision, the employment office can decide about qualifying conditions. Otherwise, the provisions of the First Chapter of the Tenth Book of the Social Security Code (Article 1 of the Law of August 18, 1980, Federal Law Gazette I, p. 1469, 2218) apply.

### §8 [sic – 6]

#### Certification of Employers

The employer shall certify all the facts that can be significant according to § 1, Subsection (1), No. 2 [sic – 1], Letters a and b for the decision regarding the claim for return assistance, as well as the number of children entered on the employee's income tax card. For this purpose, [the employer] is required to use the preprinted form provided by the Federal Employment Office. The certification is to be turned over to the employee for his application for return assistance.

### §7

#### Advising

(1) On request, aliens willing to return shall be instructed and advised about general return conditions and about the opportunities for professional integration, including establishment of an independent existence in their homelands.

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(2) Advising shall be performed by the Federal Employment Office according to technical instructions of the Federal Ministry for Labor and Social Affairs.

(3) The costs arising from advising in order to train and provide information to advisors, as well as the costs of coordination shall be defrayed by the Federal Government.

§8

Berlin Clause

This law also applies in the state of Berlin in accordance with § 13, Subsection 1 of the Third Transference Law.

Article 2

Workers' Pension Insurance Revision Law

Article 2 of the Workers' Pension Insurance Revision Law, in the revised version published in the Federal Law Gazette, Part III, Section Number 8232-4, last revised by Article 22 of the law of December 20, 1982 (Federal Law Gazette I, p. 1857), is supplemented as follows:

After § 27 b, the following § 27 c is added:

§ 27 c

Deviating from § 1303, Subsection 1, Paragraph 3 of the Reich Insurance Code, insured parties who permanently left the area of validity of this law in the period from October 1, 1983 to September 30, 1984, can claim contribution repayment without a waiting period. Application shall be made by June 30, 1984. If application is made before leaving the area of validity of this law, § 1401, Subsection 1, Paragraphs 2 through 5 of the Reich Insurance Code apply, with the proviso that the employer has also to include the not yet reported payments in the certification.

Article 3

Employees' Insurance Revision Law

Article 2 of the Employees' Insurance Revision Law in the revised version published in the Federal Law Gazette, Part III, Section Number 821-2, last revised by Article 23 of the law of December 20, 1982 (Federal Law Gazette I, p. 1857; 1983, I, p. 311) is supplemented as follows:

After § 26 a, the following § 26 b is added:

§ 26 b

Deviating from § 82, Subsection 1, Paragraph 3 of the Employees' Insurance Law, insured parties who permanently left the area of validity of this law in the period from October 1, 1983 to September 30, 1984, can claim contribution repayment without a waiting period. Application shall be made by June 30, 1984. If application is made before leaving the area of validity of this law, § 123, Subsection 1, Paragraphs 2 through 5 of the Employees' Insurance Law apply, with the proviso that the employer has also to include the not yet reported payments in the certification.

Article 4

Miners' Pension Insurance Revision Law

Article 2 of the Miners' Pension Insurance Revision Law in the revised version published in the Federal Law

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Gazette, Part III, Section Number 822-8, last revised by Article 24 of the law of December 20, 1982 (Federal Law Gazette I, p. 1857) is supplemented as follows:

After § 19 c, the following § 19 d is added:

#### § 19 d

Deviating from § 95, Subsection 1, Paragraph 2 of the Reich Miners' Law insured parties who permanently left the area of validity of this law in the period from October 1, 1983 to September 30, 1984, can claim contribution repayment without a waiting period. Application shall be made by June 30, 1984.

#### Article 5

##### Law for the Improvement of Company Pension Plans

The Law for the Improvement of Company Pension Plans of December 19, 1974 (Federal Law Gazette I, p. 3610), last revised by Article 2 of the law of March 29, 1983 (Federal Law Gazette I, p. 377) is revised as follows:

1. In § 3, Subsection 1, the following Paragraph 3 is added:

“Furthermore, the employee can also, with his agreement, be granted a one-time financial settlement, if the contributions to the legal pension insurance have been refunded to the employee.”

2. In § 8, Subsection 2, the following Paragraph 2 is added:

“Furthermore, the employee can also, with his agreement, be granted a one-time financial settlement, if the contributions to the legal pension insurance have been refunded to the employee.”

3. In § 18, the following Subsection 8 is added:

“(8) In the cases of § 27 c of the Workers' Pension Insurance Revision Law or applicable provisions, § 3, Subsection 1, Paragraph 3 applies by analogy. The financial settlement is calculated according to the cash value of the future supplementary pension measured according to Subsection 2 at the point in time when the work relationship ends.

#### Article 6

##### Income Tax Law

The Income Tax Law in the published version of December 6, 1981 (Federal Law Gazette I, p. 1249, 1560), last revised by Article 1 of the law of December 20, 1982 (Federal Law Gazette I, p. 1857), is revised as follows:

1. In § 10, Subsection 6, Number 2, the period at the end of Letter d is replaced with the word “or” and the following Letter e is to be added after Letter d:

“e) the person liable for tax who is a citizen of a state with which the federal government has concluded agreements about recruitment and employment of employees and which is not a member of the European Community has permanently left the area of validity of this law.”

2. The following sentence is added to § 52, Subsection 16:

“§ 10, Subsection 6, Number 2, Letter e applies to persons liable for tax who left the area of validity of this law after September 30, 1983.

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## Article 7

### Housing Construction Subsidy Law

The Housing Construction Subsidy Law in the published version of February 10, 1982 (Federal Law Gazette I, p. 131) is revised as follows:

1. In § 2, Subsection 2 at the end of Number 4 the period is replaced by the word “or” and the following Number 5 is added after Number 4:

“5. The construction saver who is a citizen of a state with which the federal government has concluded agreements about recruitment and employment of employees and which is not a member of the European Community, has permanently left the area of validity of this law.”

2. The following Subsection 4 is added to § 10:

“(4) § 2, Subsection 2, Paragraph 4, Number 5 applies to construction savers who left the area of validity of this law after September 30, 1983.

## Article 8

### Savings Subsidy Law

The Savings Subsidy Law in the published version of February 10, 1982 (Federal Law Gazette I, p. 125) is revised as follows:

1. In § 1, Subsection 4, Number 2 at the end of Letter c, the period is replaced by the word “or” and the following Letter d is added after the Letter c:

“d) the subsidy saver who is a citizen of a state with which the federal government has concluded agreements about recruitment and employment of employees and which is not a member of the European Community has permanently left the area of validity of this law.”

2. § 8 is revised as follows:

a) After Subsection 2, the following Subsection 3 is added:

“(3) § 1, Subsection 4, Number 2, Letter d applies to subsidy savers who left the area of validity of this law after September 30, 1983.”

b) The existing Subsection 3 becomes Subsection 4.

## Article 9

### Third Capital Formation Law

The Third Capital Formation Law in the published version of September 30, 1982 (Federal Law Gazette I, p. 1369) is revised as follows:

1. In § 2, Subsection 1, Letter f, Number 1, at the end of the Double letter cc the comma, the word “or” and the following Double letter are added:

“dd) if the employee is a citizen of a state with which the federal government has concluded agreements about

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recruitment and employment of employees and which is not a member of the European Community has permanently left the area of validity of this law.”

2. In § 17, Subsection 5 following sentence is added after Paragraph 1:

“§ 2, Subsection 1, Letter f, Number 1, Double letter dd applies to employees who left the area of validity of this law after September 30, 1983.”

Article 10

Berlin Clause

This law also applies in the state of Berlin in accordance with § 12, Subsection 1 and § 13, Subsection 1 of the Third Transference Law. Legislation enacted on the basis of this law applies in the state of Berlin according to § 14 of the Third Transference Law.

Article 11

Taking effect

This law will take effect on the day after publication.

The above law is herewith executed and  
is being published in the Federal Law Gazette.

Bonn, November 28, 1983

Federal President Carstens

Federal Chancellor Dr. Helmut Kohl

Federal Minister for Labor and Social Affairs Norbert Blüm

Federal Finance Minister Stoltenberg

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