

# Students from countries without a social security agreement with Germany

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## 1. International students and KVdS (student health insurance)

Students who are registered at state or state-accredited universities or higher education institutions are required to have health insurance under the German statutory health insurance system, regardless of whether their place of residence or habitual abode is in Germany (Section 5 (1) no. 9 SGB V [German Social Code Book 5]). The special regulations of the Krankenversicherung der Studenten (KVdS) [student health insurance] apply to them. In principle, there are two possible exceptions to this requirement:

- if the student has statutory health insurance for another overriding reason (e.g. non-contributory dependants' insurance) or is exempt or released from the requirement to have compulsory health insurance;
- if the student's place of residence is in a country that Germany has a supranational or intergovernmental social security agreement with, and pursuant to this agreement, the student is entitled to health insurance cover for illness and pregnancy.

In general, students who come from a country that does not have a social security agreement with Germany and who register at a state or state-accredited university or higher education institution are therefore also subject to compulsory insurance. If necessary, these students may be exempt from the requirement to have insurance if they provide proof of another form of health insurance that covers illness (Section 8 (1) no. 5 (2) SGB V [German Social Security Code Book 5]).

The requirement to have insurance only applies to regular degree programmes. International students who are exclusively taking preparatory courses (preparatory classes, propaedeutics) or a preparatory language course are not subject to compulsory insurance within the KVdS.

## 2. On-campus programme and distance learning

In contrast to classes held on-campus at a university or higher education institution, distance learning generally takes the form of guided self-study. Distance learning courses are typically taught via media, usually the Internet. Physical attendance times are reduced to the necessary minimum and used for examinations and individual classes. Distance learning at a university or higher education institution also gives rise to the student requirement of KVdS under the other conditions.

However, students registered at distance learning universities in Germany whose place of residence or habitual abode is not within the scope of the Sozialgesetzbuch [German Social Code] are not subject to compulsory insurance (basic information provided by the GKV-Spitzenverband [National Association of Statutory Health Insurance Funds] – "Kranken- und Pflegeversicherung der Studenten, Praktikanten und Auszubildenden ohne Arbeitsentgelt sowie Auszubildenden des Zweiten Bildungswegs" [Health insurance and long-term care insurance for students, unpaid interns and trainees, as well as trainees in second chance education] dated 20 March 2020, Tit. 1.1.1 ).

### 3. Virtual degree programmes due to Coronavirus pandemic restrictions

Since the 2020 summer semester, many universities have been limiting on-campus classes to an absolute minimum and in particular are offering virtual classes (online) instead. Such virtual classes or degree programmes taught remotely (e.g. with students attending online lectures or using other digital options) are more comparable to distance learning courses than on-campus ones (Circular RS 2020/931 published by the GKV-Spitzenverband dated 20 May 2020).

Students from countries that do not have a social security agreement with Germany, who are registered at a German university or higher education institution, are not subject to compulsory insurance within the KVdS system if

- they are not residing in Germany and
- are only attending online (virtual) classes.

The reasons why the student is not residing in Germany are not relevant. Current travel restrictions, for example, are not considered in this case.

### 4. Compulsory insurance cover upon entering Germany

International students from countries that do not have a social security agreement with Germany who are only attending virtual degree programmes may become subject to compulsory insurance within the KVdS system. This happens if they enter Germany during the semester and start their degree programme by attending classes.

However, the requirement to have health insurance does not take effect from the date of entry into Germany, but rather (Section 186 (7) sentence 1 SGB V)

- from the start of the semester,
- but no earlier than the date of registration.

#### Example 1

Student from Ghana, registered at University of Hamburg on 16 March 2020. Start/end of the summer semester: 01 April 2020 – 30 September 2020. Resided in Ghana until 24 May 2020, entered Germany on 25 May 2020.

#### Assessment:

The requirement to have insurance in the KVdS system begins retroactively as of 01 April 2020.

#### Example 2

Student from Russia, registered at FH Münster – University of Applied Sciences on 16 March 2020. Start/end of the summer semester: 01 March 2020 – 31 August 2020. Entered Germany on 25 July 2020.

#### Assessment:

The requirement to have insurance in the KVdS system begins retroactively as of 16 March 2020.

Students who become subject to compulsory insurance upon their registration can apply for exemption from the requirement to have health insurance if they provide proof of another health insurance that covers illness. However, an application for exemption must be submitted within three months after the requirement for compulsory health insurance takes effect. The application period of three months is a cut-off period. If this deadline is not met, the student cannot apply for exemption for the entire duration of the degree programme. If the semester begins on 01 March, the application must therefore be submitted by 31 May; if it begins on 01 April, the application must be submitted by 30 June (if the insurance starts on the date of registration after the semester begins, this date may be later). These cut-off periods and deadlines also apply if the obligation to have health insurance starts retroactively if an international student enters Germany later from a country that does not have a social security agreement with Germany.

### 5. Obligation to pay contributions

Students subject to compulsory insurance pay their health insurance and long-term care insurance contributions starting on the date their membership becomes effective, generally for the entire semester (Section 254 (1) SGB V). Nowadays, contributions are often paid monthly by direct debit. If the student's membership begins during the semester, with retroactive effect from the start of the semester, the student has to pay the contribution for the entire semester.

If a student from a country that does not have a social security agreement with Germany who

- is only attending a virtual degree programme and
- does not reside in Germany

inadvertently establishes a membership in a health insurance fund even though the student is not subject to compulsory insurance, the membership will be cancelled. Any contributions paid in error will be refunded to the student.

## 6. German Registration Law

Prospective students from countries that do not have a social security agreement with Germany who intend to take an entirely virtual degree programme and who do not reside in Germany for the purpose of studying must provide confirmation of their insurance status in accordance with the German legal provisions (Section 199a (2) SGB V) and the university's registration regulations. If the student was not previously a member of a health insurance fund, the confirmation can be obtained from any health insurance fund the student could have chosen if he/she had been subject to compulsory insurance, e.g. TK. The health insurance fund then issues a certificate of insurance or reports the insurance status to the respective university or higher education institution if it already participates in the automatic reporting procedure.

In order to assess the insurance status in such cases, we need two documents:

- confirmation from the university/higher education institution stating which semester your classes will be taught entirely virtually,
- an informal declaration by the student affirming that he/she is not residing in Germany (e.g. is residing in his/her home country) for the duration of this semester.

Please send this proof, including the pertinent personal information, to the following e-mail address: [versicherung@tk.de](mailto:versicherung@tk.de). To facilitate the processing, please send one e-mail per student.

Based on this proof, we can issue a certificate of insurance or a report on the insurance status stating that the student is not covered by statutory insurance. The information contained in the certificate or report remains valid until a new certificate or report confirms that the student's insurance status has changed.

### Procedure upon entry

International students from countries that do not have a social security agreement with Germany who enter Germany to continue their degree programme by attending classes must inform the respective university or higher education institution about the change of address. This requirement arises from the obligation to cooperate pursuant to German higher education law.

In these cases, the university or higher education institution must inform the student that his/her insurance status may change, and that the student should immediately contact an eligible health insurance fund, e.g. TK.

After a consultation with the student, the health insurance fund will issue a new certificate of insurance or a new report to the university/higher education institution if the insurance status has changed.

## 7. Questions and answers

**QUESTION:** Does the regulation explained here only apply to first-year students or also to students in advanced semesters?

**ANSWER:** The regulation applies to all students. If the student was previously subject to compulsory insurance in the KVdS system, that requirement ends at the end of the semester preceding the semester when the aforementioned conditions were in effect – residing in a country without a social security agreement with Germany, only taking virtual classes.

**QUESTION:** For registration purposes, our university/higher education institution has received a report on the insurance status of a student from a country without a social security agreement with Germany who is only attending a virtual degree programme during the summer semester and is residing in his/her home country. The report states that the student has statutory health insurance cover. Based on the amended legal opinion (Circular RS 2020/931 by the GKV-Spitzenverband dated 20 May 2020) this status is not correct; the student is not subject to compulsory insurance. How should we proceed?

**ANSWER:** In order to assess the insurance status in such cases, we need two documents:

- confirmation from the university/higher education institution stating which semester your classes will be taught entirely virtually,
- an informal declaration by the student affirming that he/she is not residing in Germany (e.g. is residing in his/her home country) for the duration of this semester.

Please send this proof, including the pertinent personal information, to the following e-mail address: [versicherung@tk.de](mailto:versicherung@tk.de).

**QUESTION:** A student from a country that does not have a social security agreement with Germany is only taking virtual degree programme during the summer semester and is residing in his/her home country, but then travels to Germany to take an examination, before returning to his/her home country again. Does this make the student subject to compulsory insurance in the KVdS system?

**ANSWER:** Taking an examination is an integral part of a degree programme. Consequently, the student is in Germany for the purpose of completing his/her degree programme. As a result, the student is then required to have student health insurance (KVdS) in Germany.

**QUESTION:** How can international students affected by this regulation prove that they have adequate health insurance cover?

**ANSWER:** If the individuals are not residing in Germany, proof of health insurance cover is not required.