



## **EMN Ad-Hoc Query on Third-country national au-pairs**

Requested by Hans LEMMENS on 21st October 2016

### **Economic Migration**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (23 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

## **Background information:**

In 2012 the Commission launched an Ad-hoc query on third-country national au-pairs and remunerated trainees; volunteers, school pupils and unremunerated trainees (425). For national policy development purposes, we would kindly ask you to update this information specifically for au-pairs. We also have some additional questions. Although we have decided to set the normal deadline of 4 weeks for this query, it would be greatly appreciated if you would be able to reply within two weeks.

## **Summary**



Summary to follow

## **Questions**

1. 1. What was the number of third-country national au-pairs hosted in your Member State in the last three years (2013, 2014, 2015)?
2. 2. Are there immigration regulations (e.g. conditions of admission, need for a work permit, maximum duration of stay, rights granted, permitted duties) in your Member State specific to third country national au-pairs? If yes, please briefly outline what these regulations are. If no, please provide the reference (e.g. legislation, web address, report) to those regulations which are not specifically for au-pairs, but also apply to them.
3. 3. Could you in addition please also provide us with any evidence (e.g. media reports, research, etc.) you may be aware of regarding issues around abuse of au-pair status, for example in the numbers of hours they work, or whether there is a risk that they carry out domestic work rather than tasks usually related with au-pair work (e.g. taking care of children)?
4. 4. Can you describe whether you have measures in place to meet the vulnerable position of an au-pair in order to prevent abuse and if so which?
5. 5. Can you describe how an au pair can report abuse and how an au-pair can receive protection in such a case?
6. 6. Can you describe any measures you have taken to protect an au-pair after detection of abuse?


## **Responses**




	Country	Wider Disseminati on	Response
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	Austria	Yes	<p><b>1.</b> In this respect, no statistical data are collected. Source: Federal Ministry of the Interior.</p> <p><b>2.</b> According to Art. 1 para 4 in conjunction with Art. 1 lit 10 Regulation Governing the Employment of Foreigners, foreigners between 18 and 28 years may be issued a notification certificate (Anzeigebestätigung) as au-pair for employment of up to 12 months. An au-pair must not have been employed for more than a year in total as au-pair in Austria during the last five years. It must be safeguarded that the extent and the economic reality of the activity corresponds to such of an au-pair relation. In particular, the acquisition of knowledge of the German language has to be shown. Source: Federal Ministry of the Interior.</p> <p><b>3.</b> No information was provided by the Federal Ministry of the Interior.</p> <p><b>4.</b> No information was provided by the Federal Ministry of the Interior.</p> <p><b>5.</b> No information was provided by the Federal Ministry of the Interior.</p> <p><b>6.</b> No information was provided by the Federal Ministry of the Interior.</p>
	Belgium	Yes	<p><b>1.</b> The total number of labour permits B issued by the Belgian (regional) labour authorities to au-pairs are (first permits and renewals): 2013: 399 2014: 438 2015: 454</p> <p><b>2.</b> Youngsters who want to become an au pair in Belgium have to apply for a valid work permit B and a valid visa D. Citizens of the EEA and Switzerland are exempted, so they do not need to apply for a work permit B nor a visa. To obtain the visa TCN will need a valid national passport valid for at least 1 year, a certificate a good conduct and behaviour, a medical certificate and a work permit B. The type B work permit for the au pair has to be requested by the host family, together with an employer permit (autorisation d'occupation/arbeidsvergunning). A medical certificate and a contract of employment have to be added to the application form. The issuance of a work permit B depends on the following conditions: - the compliance with the conditions by the au pair and the host family (see below) - the host family has no valid work permit for another au pair - the validity of the work permit and of the employer permit regarding the au pair may not exceed 1 year - the work permit and the employer permit regarding the au pair can only be renewed once, in so far as the placement period does not exceed 1 year - a change</p>

of host family is only possible once, in so far as the total duration of the placement of the au pair does not exceed 1 year and all other conditions are met An au pair has to fulfil to the following conditions: (s)he - must be between 18 and 26 years of age, with an additional condition that the au pair receives a work permit before turning 26; - is not allowed to take any other work in Belgium than that of au pair; - must have finished secondary school. In case the au pair applies before obtaining a secondary education diploma, a certificate by the school, stating that the au pair is currently finishing the last year of secondary school is sufficient; - must have a basic knowledge of the language of the guest family or commit oneself to follow an intensive language course immediately after arrival in Belgium; - must attend a language course regularly. The school attended by the au pair must provide a 3-month certificate, proving that the au pair has completed the course; - cannot have previously obtained a work permit of any kind in Belgium. The guest family has to fulfil following conditions: the family must - assure that the au pair has a well accommodated, private bedroom; - provide insurance for the au pair throughout the entire duration of the stay. Insurance must cover illness, hospitalisation and accidents; - provide one day off per week minimum, and one full week-end off per month; - provide pocket money of at least 450€ per month. Pocket money will be put in a bank account specifically for the au pair; - at least have one child under the age of 13. - Submit a certificate of good conduct for all (residing) adult family members If inspections are carried out and the conditions are not met, the au pair is supposed to be employed with a labour contract for domestic staff. Important to note is that from a legal point of view one cannot speak of an employee (au pair) and employer (host family), as there is no authority relationship between the two and no salary (sensu stricto) nor social security contributions are being paid.

**3.** Although the legislation has been made more strict in 1999 (see above: insurance, pocket money etc) in an attempt to counter abuses, there are still reports of abuses of the au pair statute since it is sometimes used as a way to obtain cheap labour. For this reason employment and social inspection authorities as well as certain non-governmental organizations (like ORCA) plead to abolish the statute. Part of the problem is the commercialization of the phenomenon (existence of au pair agencies f.i.) and the fact that the possible abuse takes place in the private sphere, where access for social and labour inspections is very limited. Reports and media reports on the issue: - Article in the newspaper “De Standaard” on July 7, 2014: “Au pairs in België worden vaak uitgebuit”: [http://www.standaard.be/cnt/dmf20140706\\_01169628](http://www.standaard.be/cnt/dmf20140706_01169628) - The annual reports of the Flemish labour migration authority also handle the issue of au pair and are available on (in Dutch only): <http://www.werk.be/online-diensten/werknemers-buitenlandse-nationaliteit/jaarrapporten> - The annual reports 2014 and 2015 from non-governmental organization


			<p>ORCA (available in Dutch and French on <a href="http://www.orcasite.be/?id=158">http://www.orcasite.be/?id=158</a> ) also handle the issue, as well as the ORCA report on domestic labour (available in French: <a href="http://www.orcasite.be/userfiles/file/ORCA_Domestique_FR.pdf">http://www.orcasite.be/userfiles/file/ORCA_Domestique_FR.pdf</a> or Dutch: <a href="http://www.orcasite.be/userfiles/file/ORCA_Huishoudpersoneel_NL.pdf">http://www.orcasite.be/userfiles/file/ORCA_Huishoudpersoneel_NL.pdf</a></p> <p><b>4.</b> For every application of an au pair an examination is carried out by the social inspection services before a work permit is issued. The inspection services verify whether the general conditions are met and if the foreseen accommodation fulfils the requirements (see above). The work permit will only be issued if the social inspection gives a positive advice. As mentioned above, legal requirements were added in 1999 with the aim to tackle abuses. Although this is not foreseen in the legislation, the regional authorities will ask the host family to sign a document guaranteeing access to the property for the inspection services for the duration of the stay of the au pair. This is done in an attempt to prevent abuses, but it is not obligatory. Nevertheless, there are still reports of abuses and employment and social inspection services do not have enough manpower to execute inspections everywhere. Non-governmental organisations like the ORCA (<a href="http://www.orcasite.be">www.orcasite.be</a>) try to outreach to au pairs, by providing information (e.g. on groups for au pairs on social media) on their rights.</p> <p><b>5.</b> An au pair can report abuse directly to the employment and social inspection services. They can also receive information and accompaniment from non-governmental organisations like ORCA.</p> <p><b>6.</b> If inspections are carried out and the conditions are not met, the au pair is supposed to be employed with a labour contract for domestic staff. However, this measure is not easy to put in practice.</p>
	Bulgaria	Yes	<p><b>1.</b> For the period in question there is no data of au-pairs in Bulgaria.</p> <p><b>2.</b> There are not specific rules in the Bulgarian legislation concerning the au-pairs. The common rules for residence and work permit regimes are valid also for au-pairs.</p> <p><b>3.</b> Not applicable.</p> <p><b>4.</b> Not applicable.</p>


			<p><b>5.</b> Not applicable.</p> <p><b>6.</b> Not applicable.</p>
	Croatia	Yes	<p><b>1.</b> 1. Labour exchange and work permits for au pairs have not yet been issued in Croatia.</p> <p><b>2.</b> 2. A) No. B) The Aliens Act applies to the TCN workers which could apply for residence permit for the purpose of employment and work.</p> <p><b>3.</b> 3. N/a.</p> <p><b>4.</b> 4. N/a.</p> <p><b>5.</b> 5. N/a.</p> <p><b>6.</b> 6. N/a.</p>
	Cyprus	Yes	<p><b>1.</b> Cyprus does not issue this kind of residence permit (au-pair), therefore no data can be provided.</p> <p><b>2.</b> n/a</p> <p><b>3.</b> n/a</p> <p><b>4.</b> n/a</p> <p><b>5.</b> n/a</p> <p><b>6.</b> n/a</p>
	Czech Republic	Yes	<p><b>1.</b> N/A CZ does not define the term au-pair. As CZ does not have any special au pair programme in practice, it also has not introduced any special measures and cannot answer the following questions.</p>

			<p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	Estonia	Yes	<p>1. There has been only one case of registration of au-pair from third countries during the mentioned period. This case was registered in 2014.</p> <p>2. Yes, there is a specific regulation that establishes conditions for entry and stay for third-country nationals who wish to work as au-pairs. The Aliens Act of Estonia lays down the main principles for registering short-term employment. A person may work in Estonia temporarily for up to 6 months during a year. Employment in Estonia is permitted if the person stays legally in Estonia on the basis of visa or on the basis of visa-free stay and whose employment has been registered prior to the commencement of work.</p> <p>3. No such practice is present in Estonia.</p> <p>4. There is no separate regulation targeting only au-pairs, the general regulation that concerns vulnerable persons is in place on a state level. The process is coordinated in cooperation between police, Ministry of Social Affairs, Ministry of Justice, several NGOs, helpline for victims etc.</p> <p>5. The procedure for reporting an abuse is similar to any other person staying temporarily or residing permanently on the territory of Estonia. A victim may turn to the closest police authority, seek for assistance from the help line or NGOs dealing with victims of abuse. Depending on the outcome of the investigation and prosecution further actions are taken including possibility for victim protection.</p>

			<p><b>6.</b> There is no separate regulation targeting only au-pairs, the general regulation that concerns vulnerable persons is in place on a state level.</p>
+	Finland	Yes	<p><b>1.</b> 2013: 60 2014: 54 2015: 63</p> <p><b>2.</b> Yes. There is a specific residence permit for an au pair, which can be granted for up to one year. Extension will not be granted for an au pair permit. In order to be granted a residence permit for an au pair, one must meet the following requirements: • aged between 17 and 30 • interested in the Finnish or Swedish language and the Finnish culture • will live in host family like a family member • will pay for up-keeping with light domestic work, but is not a full-time childminder or housekeeper • not related to the host family • has not previously worked as an au pair, in Finland or in another country A person, who does not fully meet all the above criteria, will not be granted a residence permit on the grounds of being an au pair. For example, a full-time housekeeper and childminder cannot be granted a residence permit for an au pair, but will need a residence permit for an employed person. One may not work as an au pair until s/he has received a permit for it. One may work as an au pair in Finland only if one has a residence permit granted for this purpose by the state of Finland. An au pair may not bring their family to Finland. Finland has not confirmed the European Council's treaty on the location of au pairs (European Treaty Series – No. 68), and therefore Finland follows this treaty only for applicable parts.</p> <p><b>3.</b> We are not aware of this kind of material. We asked from the National Assistance System for Victims of trafficking, whether they have encountered this phenomenon in their work. In 10 years the assistance system has had one referral concerning a person, who had been working in Finland as an au-pair. This woman did not become a customer or the assistance system, as her case was not considered to account to human trafficking. She had arrived in Finland to work as an au-pair, but had left the original family she was working for. The next family made her work long hours with little benefits. She did not have her stay legalized, as she had left the original family.</p> <p><b>4.</b> Immigration authorities granting the residence permit conduct a normal process of examining the grounds for granting a residence permit. This is done only at the moment of issuance of the residence permit, there is no system of checks afterwards. If an au pair working in Finland is subject to abuses, which can be assessed to account to human trafficking, the National Assistance System for Victims of Human Trafficking can provide help to the potential victim. The Assistance System provides safe</p>



			<p>housing, welfare, health and social services, legal assistance, legal aid and other necessary support. The Assistance System can also organize an assisted voluntary return to the victim's home country, if the victim wishes to return home.</p> <p><b>5.</b> Au-pairs can find some resources online. The Crime Victims' Support (Rikosuhripäivystys/Riku) maintains a helpline and an online chat (<a href="http://www.riku.fi">www.riku.fi</a>), where people can speak anonymously and receive advice. The Assistance System for Victims of Trafficking (<a href="http://www.humantrafficking.fi">www.humantrafficking.fi</a>) has a website and a 24/7 helpline, through which potential victims of trafficking can ask for advice and assistance. The website has information in several languages. The police and emergency services can be reached through the national emergency hotline 112.</p> <p><b>6.</b> Please see question 3.</p>
	France	Yes	<p><b>1.</b> There is no official statistics available on the number of third-country national au-pairs hosted in France.</p> <p><b>2.</b> The legal basis for the reception and stay of third country national au-pairs is the Decree no. 71-797 of 20 September 1971 publishing the European Agreement on "au pair" Placement of 24 November 1969 drawn up by the Council of Europe. In France, third-country national au-pairs are considered as "stagiaires aides-familiaux". Any third-country national aged from 17 to 30 years can be employed as an au-pair for a reception period from three months to one year. It can be extended up to 24 months. Third-country nationals wishing to be au-pairs in France have to apply for a "student" visa. This long-stay visa equivalent to a residence permit (visa long séjour valant titre de séjour = VLS-TS) is issued for the same duration of the placement agreement, for a maximum duration of 12 months. In case of extension of the au pair placement, the person concerned has to apply for a "student" residence permit valid for the duration of the placement agreement, for a maximum duration of 12 months. To be granted a "student" visa, a third country national wishing to be au-pair in France has to prove that he/she will take specialized French language courses for foreigners in France. A medical certificate established less than 3 months before the placement and stating his/her general state of health and a proof of the level of studies should also be provided. Moreover, a written agreement has to be signed between the au-pair and the host family. It has to be approved by the foreign workforce service of the Regional Directorate for Companies, Competition, Consumption, Work and Employment (Direction régionale des entreprises, de la</p>


			<p>concurrence et de la consommation, du travail et de l'emploi – DIRECCTE) prior to the entry of the third-country national in France or during the first week following his/her arrival. The agreement specifies the reception conditions, the services which the au-pair undertakes to provide in exchange for hospitality, the proposed hours of work, the amount of pocket-money, that a weekly holiday will be granted, and that facilities to improve knowledge of the language will be granted. Working time cannot exceed 5 hours per day. The au-pair is entitled to one full day-off per week, with at least one Sunday a month. In addition to board and lodging, the au-pair usually receives a pocket money whose monthly amount is generally between €264 and €316.80. He/she is covered by the general social security scheme and the additional pension fund for employees of private individuals. The host family has to pay employers' general social security contributions.</p> <p><b>3.</b> Public authorities are not very often alerted by cases of abuse of au pair status, which are not really reported by the media. However, government officials consider that such a problem exists and can be related to excessive working hours or abuses concerning the services to be rendered by the au-pair (eg babysitting or housekeeper).</p> <p><b>4.</b> There is no specific measure in place to prevent abuse. However, the validation of the placement agreement by the foreign workforce service of the Regional Directorate for Companies, Competition, Consumption, Work and Employment (Direction régionale des entreprises, de la concurrence et de la consommation, du travail et de l'emploi – DIRECCTE) prior to the entry of the third-country national in France (and in case of renewal) can be considered as a means of preventing any abuse. The role of the DIRECCTE consists in verifying that the au pair's tasks comply with the applicable regulation and that he/she is given sufficient time to study.</p> <p><b>5.</b> The tribunal of first instance is competent in case of dispute between the au-pair and the host family.</p> <p><b>6.</b> NA</p>
	Germany	Yes	<p><b>1.</b> Statistics and related information regarding the actual stay of au-pairs in Germany do not exist. However, German visa sections of the worldwide diplomatic missions have issued the following number of au-pair visas: in 2013: 4.488 in 2014: 4.881 in 2015: 5.381 It must be pointed out that certain nationals do not necessarily require a visa to enter Germany and to work as an au-pair, these documents can be</p>


applied for directly after having entered the country at the offices of the respective public authorities for aliens (e.g. EU nationals) so the above quoted figures do not represent an overall picture of the visas that have been issued. Above all one cannot assume that the visas issued have actually been used to enter the country and to begin working as an au-pair.

**2.** The special legal basis for the employment as au-pair is § 12 of the „Beschäftigungsverordnung“ (Employment Regulation). Accordingly the Employment Agency can grant a residence permit in accordance with § 18, (3) of the German Residence Act without labour market priority-check if • the foreigner has a basic knowledge of the German language and is not older than 27 years, • he/she is admitted to a German family where the native tongue is German or the language of the family is German and the host parents do not originate from the country of origin of the au-pair and • the employment as au-pair does not last longer than a year.

**3.** You will find a media report regarding the abuse of the au-pair status at <http://www.ndr.de/fernsehen/sendungen/panorama3/Familienhelfer-wie-Au-pairs-ausgenutzt-werden,aupair171.html> . We cannot assess if the indications made therein are correct. We have no information of our own.

**4.** A visa for a residence as au-pair is always issued only for a period of three months so that the foreigner is required to contact the competent Foreigners Authority after his/her arrival in the country to apply for the residence title for the remainder of the period of his/her stay. At the same time the foreigner acquaints himself/herself with the relevant authority to which he/she can turn in case of problems during his/her stay, e.g. with the host family. The competent employment agency can also be a contact for him/her. This is also already pointed out to him/her during the procedure to obtain the visa. A basic knowledge of German is required for the visa so that the person concerned can describe his/her problems linguistically speaking and is thus in a position to ask for assistance. Please compare the handbook on visa application of the Federal Foreign Office at <http://www.auswaertiges-amt.de/cae/servlet/contentblob/733442/publicationFile/220918/Visumhandbuch.pdf> . The information leaflet of the Employment Agency handed to the au-pair during the procedure to obtain the visa can be found in the English language at <https://www.arbeitsagentur.de/web/wcm/idc/groups/public/documents/webdatei/mdaw/mdc5/~edisp/16019022dstbai636747.pdf> . The information leaflet also points to a service number of the Association for Au-

			<p>Pair if assistance is required in problematic cases. To secure the quality and integrity of their work, many au-pair agencies have become members of this association that is supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, please compare <a href="http://www.guetegemeinschaft-aupair.de/de/">http://www.guetegemeinschaft-aupair.de/de/</a></p> <p><b>5.</b> Please refer to reply listed under 4.4. Should problems occur with the present host family, a placement in another host family can always be arranged during the approved residence period. In the case of criminally relevant conduct (of individual members) of the host family towards the au-pair, especially with regard to labour exploitation or undeclared work, the au-pair may be permitted to temporarily remain for the period of the criminal proceedings if the presence of the au-pair is required for the proceedings and if the au-pair is prepared to make a witness statement. (§25 para. 4a and/or 4b of the German Residence Act.</p> <p><b>6.</b> Please refer to the replies as listed under 4.4 and 5.5.</p>
	Hungary	Yes	<p><b>1.</b> The total number of granted work permits to third-country nationals working in Hungary as child-minder/carer was 16 (sixteen) in 2013, 8 (eight) in 2014 and 6 (six) in 2015.</p> <p><b>2.</b> There are no specific admission conditions set out for au pairs in Hungary as regards immigration regulations. It is therefore residence permit issued for the purpose of employment that au pairs can apply for. As the single application procedure has not been extended to third-country national au pairs, a separate work permit and residence permit are required. Consequently, the future employer of an au pair shall first gain a work permit, for which a labour force request shall first be made based on which a labour market test is carried out in Hungary for 15 days. Once the work permit is issued for the employer, the third-country national can submit his/her application for a residence permit. The work permit is issued for a maximum of two years, therefore the residence permit can also be issued for this maximum period, if further conditions (e.g. validity of travel document) are also met. Further information on the immigration provisions can be found here:  <a href="http://www.bmbah.hu/index.php?option=com_k2&amp;view=item&amp;layout=item&amp;id=62&amp;Itemid=816&amp;lang=en#">http://www.bmbah.hu/index.php?option=com_k2&amp;view=item&amp;layout=item&amp;id=62&amp;Itemid=816&amp;lang=en#</a></p>

			<p><b>3.</b> Due to the lack of the language learning element connected to au-pair activities this type of work is not common in Hungary. Therefore we can provide one answer for questions 3-6. The definition of domestic worker under Hungarian law (according to Act XC of 2010 on the implementation of economic and fiscal legislation and modification (Section 1 (2) point 3.): a natural person performing household chores who exercises her/his activity not in the form of a body governed by public law, neither in the form of an independent economic activity carried out in a self-employed capacity. According to Section 1 (2) point 1. Domestic work relates only to the activities in the areas of the daily life of the natural person and the members of the same household and those close family members, which could be the following: cleaning, cooking, washing, pressing, caring and home based teaching of children, care services at home, housekeeping, gardening. This implies that the authorities may review the compliance with the labour laws and the working conditions of the employment of a person who is working as an au-pair. According to the national law (Act LXXV of 1996 on Labour inspection) domestic work may be inspected only on notification since that investigation may take place in private dwellings. That means that the working conditions can't be examined by the authority of its own motion. Overall, in the last years only limited investigation has been carried out in the light of the small number of au-pairs and so there is not adequate data on infringements those directly addresses the employment conditions of au-pairs, accordingly.</p> <p><b>4.</b> See the answer to question 3.</p> <p><b>5.</b> See the answer to question 3.</p> <p><b>6.</b> See the answer to question 3.</p>
	Ireland	Yes	<p><b>1.</b> N/A see answer to question 2.</p> <p><b>2.</b> N/A see answer to question 2.</p> <p><b>3.</b> Ireland has not opted into EU Directive 2016/801 and does not operate any national scheme for the grant of an immigration permission to non-EEA nationals for the primary purpose of being an au pair. Furthermore, employment as an au pair is not eligible for an employment permit in Ireland. Domestic workers are on the Ineligible Categories of Employment List (ICEL) and so are not eligible for employment permits. Persons on a student permission with an Immigration Stamp 2 are entitled to engage</p>

in casual work for 40 hours per week during the months June to September and for a 4 week period from mid-December to mid-January. Outside that time the limit is 20 hours per week. Working as an au pair during that time is not forbidden but such work would be subject to the applicable employment legislation.

**4.** Ireland has not opted into EU Directive 2016/801 and does not operate any national scheme for the grant of an immigration permission to non-EEA nationals for the primary purpose of being an au pair. Furthermore, employment as an au pair is not eligible for an employment permit in Ireland. Domestic workers are on the Ineligible Categories of Employment List (ICEL) and so are not eligible for employment permits. Persons on a student permission with an Immigration Stamp 2 are entitled to engage in casual work for 40 hours per week during the months June to September and for a 4 week period from mid-December to mid-January. Outside that time the limit is 20 hours per week. Working as an au pair during that time is not forbidden but such work would be subject to the applicable employment legislation.

**5.** The following information is given in response to questions 3 - 6: There is no legal definition of the term "au pair" in Irish legislation, and individuals described as "au pairs", "nannies" or "child-minders" are not exempted or treated as separate categories of workers under Irish employment law. Ireland's body of employment rights legislation protects all employees who are legally employed on an employer-employee basis, regardless of what title is given to them. Therefore, once it is clear that a person is working under a contract of employment (written or verbal), on a full-time or part-time basis, that person has the same protection under employment law as other employees. For example, the National Minimum Wage Act 2000 requires that any persons working under a contract of employment be paid the statutory National Minimum Wage. For the purposes of this Act, this means a contract of service or apprenticeship, or any other contract whereby an individual agrees with another person to do or perform personally any work or service for that person. Ireland has a well-resourced labour inspectorate which forms part of the Workplace Relations Commission (WRC). Where the WRC receives a complaint involving somebody described as an au pair, the labour inspectorate will investigate with a view to establishing whether that person has statutory entitlements under employment law. Complaints involving "au pairs" are considered on a case-by-case basis, in the light of the facts of each case. WRC Labour Inspectors have encountered individuals, described by their employers as au pairs, who have been found to be domestic employees. In such cases the WRC will seek to vindicate the rights of the person concerned in accordance with its

mandate and powers under employment legislation. In 2012 in the case of Bukola Eigbogba v Mariaam Bhatti Sithable the Irish Labour Court determined on the facts of the case that an individual working as an au pair was entitled to be paid the National Minimum Wage. In March 2016 a WRC Adjudication Officer determined that an individual working as an au pair was an employee with the entitlements that go with that status, including payment of the National Minimum Wage and entitlements under the Organisation of Working Time Act. Notwithstanding that the decision did not constitute any change to Irish employment law, it received widespread media coverage. The Court of Justice of the European Union has considered the status of au pairs on a number of occasions. In those cases it has consistently held that au pairs are workers. The case most often cited in this regard is the Lauri-Blum case. More recently, the Payir casae has reaffirmed this view. In relation to public awareness, the WRC maintains a high profile as the State body primarily responsible for information and compliance on employment rights in a number of ways. All employers, including those in private homes, carry the same obligations in relation to compliance with employment law. To ensure that awareness of these obligations is maintained, the WRC collaborates with key partners including civil society organisations, the trade union movement, employer organisations and other State bodies. WRC publications are widely distributed through the offices of community organisations, NGOs and Citizen Information Offices. The WRC also participates in conferences and events and makes presentations not only to employer and employee groups but also to community and educational groups. Any person with a question or complaint regarding their rights under employment law can contact the Workplace Relations Information and Customer Services on a local number or at [www.workplacerelements.ie](http://www.workplacerelements.ie)



**6.** The following information is given in response to questions 3 - 6: There is no legal definition of the term "au pair" in Irish legislation, and individuals described as "au pairs", "nannies" or "child-minders" are not exempted or treated as separate categories of workers under Irish employment law. Ireland's body of employment rights legislation protects all employees who are legally employed on an employer-employee basis, regardless of what title is given to them. Therefore, once it is clear that a person is working under a contract of employment (written or verbal), on a full-time or part-time basis, that person has the same protection under employment law as other employees. For example, the National Minimum Wage Act 2000 requires that any persons working under a contract of employment be paid the statutory National Minimum Wage. For the purposes of this Act, this means a contract of service or apprenticeship, or any other contract whereby an individual agrees with another person to do or perform personally any work or service for that person. Ireland has a well-resourced labour inspectorate which forms part of the


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7. See question 3


8. See question 3



			<p><b>9.</b> See question 3</p> <p><b>10.</b> See question 3</p> <p><b>11.</b> See question 3</p> <p><b>12.</b> See question 3</p>
	Latvia	Yes	<p><b>1.</b> According to the Immigration Law au-pairs are not eligible for obtaining a visa or residence permit. In Latvia it is not possible to work as an au-pair.</p> <p><b>2.</b> n/a</p> <p><b>3.</b> n/a</p> <p><b>4.</b> n/a</p> <p><b>5.</b> n/a</p> <p><b>6.</b> n/a</p>
	Lithuania	Yes	<p><b>1.</b> Lithuania has not yet transposed the Directive 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing. Therefore au-pair could only arrive under the general admission scheme for third country workers. Lithuanian labour exchange has not issued any work permits for au pairs in 2015.</p> <p><b>2.</b> Au-pair could only arrive to Lithuania under the general admission scheme for third country workers. A labour market test would be applied. For general admission requirements please refer here <a href="http://www.migracija.lt/index.php?-221156245">http://www.migracija.lt/index.php?-221156245</a>.</p>

			<p><b>3.</b> N/A</p> <p><b>4.</b> Lithuania has only general measure applicable to all vulnerable migrants. These include protection of the victims of human trafficking and for victims of illegal employment.</p> <p><b>5.</b> If a third country national is cooperating with a pre-trial investigation authority or court to investigate human trafficking or illegal employment crimes, he or she may receive a temporary residence permit and receive social protection in Lithuania.</p> <p><b>6.</b> If a third country national is cooperating with a pre-trial investigation authority or court to investigate human trafficking or illegal employment crimes, he or she may receive a temporary residence permit and receive social protection in Lithuania.</p>
	Luxembourg	Yes	<p><b>1.</b> The numbers of first issuance of residence permits as au-pairs are the following: 2013: 5 2014: 25 2015: 48 Source: Ministry of Foreign and European Affairs, Activity Report, 2013, 2014, 2015 © LU EMN NCP</p> <p><b>2.</b> Yes. Article 62 bis of the amended law of 29 August 2008 on free movement of persons and immigration regulates the conditions of admission, of residence permits, duration of stay for TCN au-pairs, etc. A third-country national who wishes to come to Luxembourg as a young au-pair for a period of more than 3 months, must introduce, before entering the territory, an application for a temporary authorisation to stay and wait for its approval. The following documents and information are needed: • a valid passport; • a criminal record • have the written approval from the Ministry of Youth. To get this approval, they also have to meet the specific conditions required to be a young au-pair, which are established in the Law of 18 February 2013 on the reception of young au-pairs, namely: <input type="checkbox"/> be at least 18 and less than 30 years old; <input type="checkbox"/> hold a certificate giving them access to higher education in their country of origin, or give proof that they have attended class until the age of 17 at the minimum; <input type="checkbox"/> have basic knowledge of one of the languages spoken by the host family, as well as English or of one of the country's 3 administrative languages (German, French or Luxembourgish); <input type="checkbox"/> provide a medical certificate established less than 3 months prior to their arrival, proving that the young au-pair is able to carry out simple routine family tasks, including childcare; • have concluded an au-pair hosting agreement with an authorised host family. The host family must dispose of a written accreditation by the Ministry of Youth</p>

			<p>which is granted if the family fulfils the following conditions: <input type="checkbox"/> have at least in its members a child who is not 13 years old at the moment that the stay of the au-pair starts. For children who have not yet reached the age of six years, the host family has to prove that child's day care has already been planned for the duration of the stay of the au-pair; <input type="checkbox"/> produce an extract from the criminal record dating from less than three months for all its members of age from the start of the period of stay of the au-pair proving that the conditions of honourability are met; and if the family commits itself to meet the following conditions: <input type="checkbox"/> affiliate the au-pair to the statutory health and accident insurance scheme for the duration of stay of the au-pair; <input type="checkbox"/> proof of a civil liability insurance with an insurer duly authorized in Luxembourg for the benefit of the au-pair during the duration of her/his stay; <input type="checkbox"/> leave for the au-pair of at least three evenings per week, in addition to a full day per week and two additional rest days per month; <input type="checkbox"/> leave a sufficient time au-pair to enable the au-pair to follow language courses and to develop her/his cultural plan; <input type="checkbox"/> cover the costs related to the languages courses followed by the au-pair; <input type="checkbox"/> to feed and shelter the au-pair; <input type="checkbox"/> put a single room at its disposal and to ensure free access to the house; <input type="checkbox"/> pay on a monthly basis to the au-pair, a fixed amount corresponding to one quarter of the minimum social wage, as pocket money, regardless of possible periods of inactivity of the au-pair. The pocket money is not subject to the fiscal and social charges general provisions in the field of wages; <input type="checkbox"/> ensure the possible early repatriation of the au-pair. Also the young au-pair must agree to respect the following conditions: <input type="checkbox"/> participate to a compulsory information session organised by the National Youth Service at her/his arrival in the country; <input type="checkbox"/> respect the conditions of entry and stay established by the amended Law of 29 August 2008 on free movement of persons and immigration; <input type="checkbox"/> follow the language courses during all her/his stay in the country; <input type="checkbox"/> not carry out any salaried or independent work during her/his time as an au-pair. After entering the country: <input type="checkbox"/> make a declaration of arrival in the new commune of residence in Luxembourg; <input type="checkbox"/> undergo a medical check; <input type="checkbox"/> submit an application for a residence permit. The application for a temporary authorisation to stay must be submitted by the young au-pair. However, s/he may mandate a third party, such as the future host family, to carry out the necessary procedures. Article 62bis (2) establishes that the duration of the residence permit can be up to one year and is not renewable. The reception of a young au-pairs is defined as a temporary residence permit in a host family in exchange of light current tasks of family nature of young people coming from abroad with the main objective to improve their linguistic knowledge and improve their general culture and a best knowledge of the host country and to encourage them to participate in the cultural activities of the country (article 1 (1) of the Law of 18 February 2013 on the reception of young au pair). According to the law the light current tasks in the host household cannot</p>
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			<p>be the main objective of the stay. The maximum duration of these tasks is 5 hours per day and a maximum of 30 hours per week.</p> <p><b>3.</b> Since the entry into force of the Law of 18 February 2013 there have not been any reports of abuses.</p> <p><b>4.</b> In order to prevent abuse, the law establishes different conditions which have to be respected in the framework of the approval of the host family as well as in the au-pair hosting agreement. Article 6 (1) of the Law of 18 February 2013 establishes that the National Youth Service is in charge of the management, control and coordination of the young au pairs. It assures the following tasks: a) be the intermediary between the candidates and host families; b) manage the request of approval of host families and the applications by the young au pairs; c) control the reception of the young au pair; d) organising the obligatory information sessions for the young au pair in Luxembourg; e) to establish an emergency number for young au pairs; f) assure a mediation in case of differences or problems between the young au pair and the host family; g) provide information on their rights and obligations to young residing in Luxembourg who want to go abroad as young au pair. According to article 6 (3) of the Law of 18 February 2013 the agents of the National Youth Service can, in the exercise of their mission, visit the house of the host family, in order to verify if the accreditation conditions are fulfilled. Article 62bis (3) of the amended law of 29 August 2008 on free movement of persons and immigration expressly establishes that the Ministry in charge of Immigration can withdraw the residence permit if the conditions for granting the residence permit are not fulfilled.</p> <p><b>5.</b> See answer to question 4, more precisely point e) and f).</p> <p><b>6.</b> See answer to question 4 and 5.</p>
	Netherlands	Yes	<p><b>1.</b> See NL reply from 24/01</p> <p><b>2.</b> 2013: 1250; 2014: 1160; 2015: 1180. Source: Dutch Immigration and Naturalisation Service. Note: The figures reflect how many residence permits have been granted to au pairs in the Netherlands in the respective years. The figures refer to the situation as of 8 December 2016 and are rounded to tens. The figures include decisions decided after complaints and changes of status.</p>

3. See NL reply from 24/01

4. With the introduction of the Modern Migration Policy Act on 1 June 2013 only an au pair agency (an intermediary agency) that has been recognised by the Dutch Immigration- and Naturalisation Service (INS) as a sponsor can apply for a residence permit for an au pair. An au pair comes to the Netherlands in the context of cultural exchange and stays with a host family for a maximum of 1 year. This person stays in the Netherlands on the basis of an exchange programme of an au pair agency or exchange organisation which has been approved by the INS. Only the recognised sponsor can start up the application procedure for a residence permit for the au pair. As a service in return for the facilities offered by the host family, an au pair may carry out 8 hours of light domestic work for the host family, with a maximum of 30 hours per week. The au pair must have at least 2 days off per week. The daily work routine is laid down in writing by the au pair and the host family. If the au pair and the host family are compliant with the conditions of the Dutch au pair policy, then the au pair does not require a work permit. The host family is not required to pay the au pair the statutory minimum wage for the light supportive domestic work. The host family may pay the au pair a maximum of € 340 pocket money per month. General terms and conditions for the au pair: -Being in possession of a valid passport. -Not being a danger to the public order or national safety. -Not having stayed illegally in the Netherlands before. - Not having supplied incorrect information or withheld important information in a previous application for a residence permit. -During the stay in the Netherlands the au pair must have a Dutch Basic health insurance (medical insurance). -The au pair must undergo a tuberculosis (TB) examination (dependent on the nationality) in the Netherlands. The au pair must have undergone this test within 3 months following the issuance of the residence permit. Special terms and conditions for the au pair: -Be 18 years or older but younger than 31. -Stay in the Netherlands in the context of the exchange programme of the recognised sponsor for a maximum of 1 year. -Not have a family relationship up to the third degree with any members of the host family. -Not previously have had a residence permit in the Netherlands in the context of exchange. -Not have paid more than € 34 for enrolment fees, intermediary costs and/or taking a course (prescribed by the public authorities) in preparation of the stay in the Netherlands. -Not have signed a contract with a host family or a (Dutch or foreign) intermediary agency or au pair agency with which he/she is obligated to pay money or a fine if he/she does not comply with one or more stipulations of that contract. -Not have paid a deposit to a (Dutch or foreign) intermediary agency or au pair agency. -Not work for people who have a need for special care. This concerns work in which a specific skill is required. -Live at the address of the host family. He/she must register at the municipality of the host family's address. Special terms and conditions

for the host family -The host family comprises 2 or more persons and has legal residency in the Netherlands. -The au pair has not previously worked for the host family. -The au pair works a maximum of 8 hours per day and for a maximum of 30 hours per week. In addition, the au pair has at least 2 days off per week. -The au pair may only carry out light domestic work. -The host family is registered in the Persons Database (BRP) in the Netherlands. -The host family and the au pair draw up a daily work routine in writing for all 7 days of the week. The host family and the au pair have signed this written daily work routine. The daily work routine must contain at least the following: â how many hours the au pair will do light domestic work, which 2 days in the week the au pair will have off and who will replace the au pair to do the light domestic work. -The host family must have sufficient, independent and sustainable income. For the leaflet 'Coming to the Netherlands for cultural exchange', go to <https://ind.nl/EN/Documents/3088.pdf> Factsheet for the sponsored au pair agency: <https://ind.nl/Documents/3015.pdf>

5. See NL reply from 24/01

6. -Study carried out by the WODC (Wetenschappelijk Onderzoek- en Documentatie Centrum) „Au pairs in the Netherlands, cultural exchange or labour migration” in April 2014.

[https://www.wodc.nl/onderzoeksdatabase/misbruik-au-pair-regeling.aspx?nav=ra&l=migratie\\_en\\_integratie&l=arbeidsmigratie](https://www.wodc.nl/onderzoeksdatabase/misbruik-au-pair-regeling.aspx?nav=ra&l=migratie_en_integratie&l=arbeidsmigratie) (Study)

[https://www.wodc.nl/images/cahier-2014-2-summary\\_tcm44-538632.pdf](https://www.wodc.nl/images/cahier-2014-2-summary_tcm44-538632.pdf) (English Summary)

As a consequence of the results of the study of the WODC the Au Pair Policy is adjusted from September 2014 as following: -A host family must since then sign a declaration in which it acknowledges being aware of and agrees to the fact that supervisory institutions may enter their home to check whether the rules are being abided by. -In order to ensure that the Au Pair Policy is being abided by for cultural exchange and not for family reunification/forming or a family visit, the au pair and host family may not be related to each other.

7. See NL reply from 24/01

8. A recognised sponsor is given statutory obligations so-called: information, administration, retention and a duty of care obligation. The au pair and the host family must sign a declaration of awareness in which the obligations are described. The obligation to provide information: The recognised sponsor is


obliged to inform the INS of any relevant changes of facts and/or circumstances with respect to the au pair, the host family and with respect to its own position as a recognised sponsor within 4 weeks after the relevant change has occurred. For example: if the au pair is placed with another host family, if the au pair goes to work even though this is not permitted or if the au pair or the host family fails to comply with the agreed daily periods or the daily schedule is changed. The administration and retention obligation: -The recognised sponsor must keep records of certain data and retain these data for a certain period. Examples are data about the au pair for whom it acts or has acted as the recognised sponsor, or about its own position as a sponsor. -The recognised sponsor must retain the relevant data and documents of the au pair for up to 5 years after the sponsorship has ended. The INS may, at any time, request data from the recognised sponsor or visit the recognised sponsor in order to check whether the au pair agency has met its obligations. The duty of care obligation: -The recognised sponsor must ensure a careful recruitment and selection of au pairs and host families. -The recognised sponsor monitors the au pair's well-being. -The recognised sponsor takes action if it discovers any abuse and misconduct. -The recognised sponsor provides proper information about the purpose of the exchange, the exchange programme, the immigration procedure and the parties' rights and obligations.

**9.** See NL reply from 24/01


**10.** As mentioned above the au pair agency has a duty of care obligation. If there are problems (between the au pair and the host family), it is up to the organisation first to try to resolve the problems. The au pair agency must ensure an au pair that he/she do not carry out any work other than light household tasks and only for the hours detailed in the daily schedule which has been agreed with the host family. If the au pair thinks that the au pair agency has not done enough to solve the problems, the au pair can notify the INS. The INS will investigate whether measures must be taken. In serious cases, e.g. abuse or exploitation, the au pair can contact the Dutch Aliens Police directly or call the special INS reporting point for au pairs.


**11.** See NL reply from 24/01


**12.** With the Modern Migration Policy and the greater responsibility that is given to the sponsors in a statutory system of rights and obligations. The INS can take action against sponsors who fail to comply with their obligations. If a sponsor violates the obligations, an administrative penalty may be imposed on them. Serious cases may result in prosecution and a suspension or withdrawal of the status of recognition


			<p>as sponsor. If the host family of an au pair does not comply the Foreign Nationals Employment Act, the Inspectorate SZW (Social Affairs and Employment) can impose penalties. If the recognised sponsor, or the foreign national does not comply with the statutory obligation, the police can impose penalties. For example if an au pair has to carry out other tasks - not light household tasks- or work more hours than has been agreed, it can be a violation of the Foreign Nationals Employment Act (Wav). When the Inspectorate SZW is notified of suspected violations of the Foreign Nationals Employment Act, it may carry out an inspection. If it finds that the law is violated (illegal employment), a fine may be imposed on the host family. Police also supervises the Foreign Nationals Employment Act and may determine after an inspection that there has been a violation of this law. Even then, a fine may be imposed.</p>
	Poland	Yes	<p><b>1.</b> No data. Au pair is not a specific category in terms of legal provisions and there are no statistics with regard to third country nationals performing such role.</p> <p><b>2.</b> No.</p> <p><b>3.</b> No.</p> <p><b>4.</b> No.</p> <p><b>5.</b> No.</p> <p><b>6.</b> No.</p>
	Slovak Republic	Yes	<p><b>1.</b> There are no figures of third-country national au-pairs in the Slovak Republic. Third-country nationals working as au-pairs in the Slovak Republic must apply for regular temporary residence for the purpose of employment.</p> <p><b>2.</b> No. Given the fact that there has been no specific interest for au-pair positions in the Slovak Republic, there are no immigration regulations that address specifically third country nationals in position of au-pairs (further, the position of „au-pair“ is not defined within the Slovak law). The Slovak Republic acts as a sending country as regards these positions. However, if a third country national wishes to work in position of „childcare worker“, s/he can be employed by a family (family is in the position of an</p>



			<p>employer). An employer and third country national have to meet all conditions as set out in labour law. The family can conclude a labour contract with the person concerned on conduction of the domestic work. Admission and stay of such third country national is regulated by the Act on Stay of Aliens (temporary residence permit for the purpose of employment). The work conditions, remuneration, payment of the social contributions and contributions to the health insurance and taxation have to be the same as if being employed by a company. Remuneration has to be in line with the Act on the Minimal Wage. Further, by May 23, 2018 the Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing shall be transposed to Slovak national law.</p> <p><b>3.</b> There were no researches or media reports undertaken on the issue of au-pairs in the Slovak Republic.</p> <p><b>4.</b> N/A</p> <p><b>5.</b> In case of suspicion of violation of the rights and obligations arising from the labour law, a motion to Labour Inspectorate can be filed. Further, third country national concerned can address the competent police department or court as well.</p> <p><b>6.</b> N/A</p>
	Slovenia	Yes	<p><b>1.</b> We do not collect such data.</p> <p><b>2.</b> Slovenian Alien Act category of TCN au-pair do not envisage. This category is recognized as classical TCN worker, which could apply for residence permit for purpose of employment and work. There are also other options in the legislation inter alia TCN students with valid residence permit in Slovenia is allowed to apply for work permit in case that fulfils all required conditions etc. (Alien Act Articles 37, 44, etc.).</p> <p><b>3.</b> /</p>

			<p>4. /</p> <p>5. /</p> <p>6. /</p>
	Spain	Yes	<p>1. 2013: 3 extended 9, TOTAL: 12 2014: 62 extended 3, TOTAL: 65 2015: 116 extended 8, TOTAL: 124</p> <p>2. In Spain, the immigration regulations contained in Organic Law 4/2000 of 11 January, on the rights and freedoms of foreign nationals in Spain and their social integration, establish in paragraph 5 of Article 33 (“Admission system for studying, student exchanges, non-employment placements or voluntary services”) that working in a family in return for staying with the family and maintenance while improving linguistic or professional knowledge shall be regulated in accordance with the provisions of international agreements on “au-pair” placements. - Australia. If the au pair is going to stay for fewer than 90 days in Spain, they can travel to Spain without requiring a visa. However, there is a series of procedures. If the stay will last for more than 90 days, there are two alternatives: apply for an au-pair visa or a Youth Mobility programme visa. The latter allows the holder to work, study or travel in Spain for up to 12 months, but they cannot stay for more than six months with the same family. - Canada. For fewer than 90 days in Spain, the au pair can enter the country without a visa, but they do have to complete some procedures. For over 90 days, they can apply for an au-pair visa or a Youth Mobility programme visa. The Youth Mobility programme visas are limited. - New Zealand. The Working Holiday programme allows New Zealand citizens to work as an au pair in Spain. The programme does not allow the au pair to work for more than three months with the same family, nor more than six months in general. Anyone who would like to be an au pair in Spain for fewer than 90 days can travel to Spain without a visa. - South Africa. Au pairs from South Africa can apply for a study visa. - Vietnam. Au pairs from Vietnam can work as an au pair in Spain, if they apply for a student stay permit. - Other countries. Depending on the length of time that they wish to stay in Spain: <input type="checkbox"/> Stays of fewer than 90 days. Check if due to your nationality you are required to enter Spain with a visa. If a visa is necessary, apply for a short-stay visa (Schengen visa). <input type="checkbox"/> Stays of more than 90 days. Student visa.</p>

			<p><b>3.</b> No abuse is known to have occurred in this area. In question 1.1, the figures on the number of people in Spain with the “au-pair” status are provided.</p> <p><b>4.</b> There are no specific measures directly focused on preventing any potential abuse of an “au pair” in Spain.</p> <p><b>5.</b> Typically the person who is in Spain as an au pair has contacted a company which arranges these placements in advance, either from their country of origin or from Spain through the host family. If not, people who are in Spain with the au-pair status can contact the Immigration Office in their place of residence to obtain the information that they wish to receive regarding their status. In the event of labour abuse, the Labour Inspectorate has competence to determine an illegal work situation. In addition, depending on the abuse that may be occurring, the non-national with the au-pair status can, like any other citizen, report that abuse to the competent authorities.</p> <p><b>6.</b> As has been stated previously, no information is available about abuse that is related to or a result of the au-pair status in Spain.</p>
	Sweden	Yes	<p><b>1.</b> We do not have statistics of the number of au-pairs hosted but can provide statistics of the number of work permit granted to au-pairs for the respective years. The number of work permits granted to au-pairs were: 2013: Not available 2014: 245 2015: 273 2016: 201 (until the 17 November</p> <p><b>2.</b> If the person is a citizen of a non-EU country and want to be an au pair, he/she needs to obtain a work permit. The purpose of the stay in Sweden must be to obtain international experience and the opportunity to learn Swedish language and culture. In order to obtain a work permit, the person must: •have a valid passport •be 18–30 years old •show that he/she has a definite interest in or use for Swedish language studies •have a certificate of admission to studies in Swedish •have a written job offer from a family in Sweden, indicating that he/she will be doing light housework for no more than 25 hours per week •not bring any family members Household work and studies combined must not exceed 40 hours per week. A permit to work as an au pair may be granted for up to one year.</p> <p><b>3.</b> No information available</p>

			<p>4. The staff of the Swedish Migration Agency is trained to detect possible abuse.</p> <p>5. It can be reported to the policy</p> <p>6. No information available.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>1. The UK Home Office does not record or produce statistics on the number of third country national au-pairs hosted in the UK.</p> <p>2. The UK Home Office does not record or produce statistics on the number of third country national au-pairs hosted in the UK.</p> <p>3. Third country nationals (TCNs) may be able to come to the UK as an au-pair under Tier 5 (Youth mobility scheme). They may also enter under a student visa (Tier 4 (General) Visa). Tier 5 (youth mobility) Tier 5 (youth mobility) is a visa for sponsored young people from participating countries and territories who wish to experience life in the United Kingdom. Their government/authority acts as their sponsor. The following persons may apply for Tier 5 (Youth Mobility):</p> <ul style="list-style-type: none"> <li>• citizens of Australia, Canada, Hong Kong, Japan, Monaco, New Zealand, the Republic of Korea and Taiwan</li> <li>• British overseas citizens, British overseas territories citizens or British nationals (overseas).</li> </ul> <p>The applicant must be over 18 and under 31 at the time their application was made. The Tier 5 visa is usually issued for a period of 2 years. See policy guidance for more information:</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300096/Tier_5guidance_04-14.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300096/Tier_5guidance_04-14.pdf</a></p> <p>Tier 4 (General) A TCN may be able to be an au-pair by applying as Tier 4 (General) student. Tier 4 (general) is the principal student visa for anyone applying for study of 6 months or more. Under this student visa, the person's primary reason for being in the UK must be to study and they will need to be sponsored by their educational institution in order to be granted the visa. Under this visa TCNs who are studying at higher education institutions may generally work a maximum of 20 hours per week during term-time, and full-time during holidays (further education students are not permitted to work) . A Tier 4 General student must be at least 16 years of age. See Tier 4 Policy guidance for more information:</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540421/T4_Migrant_Guidance_July_2016.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540421/T4_Migrant_Guidance_July_2016.pdf</a></p> <p>Further information about au-pairs is provided to the public/potential families on the UK government website gov.uk and is reproduced here: Au pairs usually live with the family they work</p>

for and are unlikely to be classed as a worker or an employee. They aren't entitled to the National Minimum Wage or paid holidays. They're treated as a member of the family they live with and get 'pocket money' instead - usually about £70 to £85 a week. Au pairs may have to pay Income Tax and National Insurance, depending on how much pocket money they get. While au pairing arrangements constitute work for the purposes of the UK's immigration legislation, an au pair isn't classed as a worker or an employee for the purposes of employment law, if most of the following apply:

- they're a foreign national living with a family in the UK
- they're an EU citizen or have entered the UK on a Youth Mobility visa or student visa
- they're here on a cultural exchange programme
- they've got a signed letter of invitation from the host family that includes details of their stay, e.g. accommodation, living conditions, approximate working hours, free time, pocket money
- they learn about British culture from the host family and share their own culture with them
- they have their own private room in the house, provided free of charge
- they eat their main meals with the host family, free of charge
- they help with light housework and childcare for around 30 hours a week, including a couple of evenings babysitting
- they get reasonable pocket money
- they can attend English language classes at a local college in their spare time
- they're allowed time to study and can practise their English with the host family
- they sometimes go on holiday with the host family and help look after the children
- they can travel home to see their family during the year

Please see the link below for more information <https://www.gov.uk/au-pairs-employment-law/au-pairs>

**4.** Third country nationals (TCNs) may be able to come to the UK as an au-pair under Tier 5 (Youth mobility scheme). They may also enter under a student visa (Tier 4 (General) Visa). Tier 5 (youth mobility) Tier 5 (youth mobility) is a visa for sponsored young people from participating countries and territories who wish to experience life in the United Kingdom. Their government/authority acts as their sponsor. The following persons may apply for Tier 5 (Youth Mobility):

- citizens of Australia, Canada, Hong Kong, Japan, Monaco, New Zealand, the Republic of Korea and Taiwan
- British overseas citizens, British overseas territories citizens or British nationals (overseas).

The applicant must be over 18 and under 31 at the time their application was made. The Tier 5 visa is usually issued for a period of 2 years. See policy guidance for more information: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300096/Tier\\_5guidance\\_04-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300096/Tier_5guidance_04-14.pdf)


Tier 4 (General) A TCN may be able to be an au-pair by applying as Tier 4 (General) student. Tier 4 (general) is the principal student visa for anyone applying for study of 6 months or more. Under this student visa, the person's primary reason for being in the UK must be to study and they will need to

be sponsored by their educational institution in order to be granted the visa. Under this visa TCNs who are studying at higher education institutions may generally work a maximum of 20 hours per week during term-time, and full-time during holidays (further education students are not permitted to work). A Tier 4 General student must be at least 16 years of age. See Tier 4 Policy guidance for more information: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/540421/T4\\_Migrant\\_Guidance\\_July\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540421/T4_Migrant_Guidance_July_2016.pdf) Further information about au-pairs is provided to the public/potential families on the UK government website gov.uk and is reproduced here: Au pairs usually live with the family they work for and are unlikely to be classed as a worker or an employee. They aren't entitled to the National Minimum Wage or paid holidays. They're treated as a member of the family they live with and get 'pocket money' instead - usually about £70 to £85 a week. Au pairs may have to pay Income Tax and National Insurance, depending on how much pocket money they get. While au pairing arrangements constitute work for the purposes of the UK's immigration legislation, an au pair isn't classed as a worker or an employee for the purposes of employment law, if most of the following apply:

- they're a foreign national living with a family in the UK
- they're an EU citizen or have entered the UK on a Youth Mobility visa or student visa
- they're here on a cultural exchange programme
- they've got a signed letter of invitation from the host family that includes details of their stay, e.g. accommodation, living conditions, approximate working hours, free time, pocket money
- they learn about British culture from the host family and share their own culture with them
- they have their own private room in the house, provided free of charge
- they eat their main meals with the host family, free of charge
- they help with light housework and childcare for around 30 hours a week, including a couple of evenings babysitting
- they get reasonable pocket money
- they can attend English language classes at a local college in their spare time
- they're allowed time to study and can practise their English with the host family
- they sometimes go on holiday with the host family and help look after the children
- they can travel home to see their family during the year

Please see the link below for more information <https://www.gov.uk/au-pairs-employment-law/au-pairs>

**5.** The UK Home Office is not aware of any evidence of abuse of au-pair status. The British Au-pairs Agencies Association (BAPAA) is the regulatory body of the au-pair industry. They may have further information. <http://bapaa.org.uk/>

			<p><b>6.</b> The UK Home Office is not aware of any evidence of abuse of au-pair status. The British Au-pairs Agencies Association (BAPAA) is the regulatory body of the au-pair industry. They may have further information. <a href="http://bapaa.org.uk/">http://bapaa.org.uk/</a></p> <p><b>7.</b> The British Au-pairs Agency Association regulates agencies that match au-pairs with families. They recommend that all placements are made through agencies. Please contact them for further information. <a href="http://bapaa.org.uk/au-pairs/au-pairs-faqs/">http://bapaa.org.uk/au-pairs/au-pairs-faqs/</a></p> <p><b>8.</b> The British Au-pairs Agency Association regulates agencies that match au-pairs with families. They recommend that all placements are made through agencies. Please contact them for further information. <a href="http://bapaa.org.uk/au-pairs/au-pairs-faqs/">http://bapaa.org.uk/au-pairs/au-pairs-faqs/</a></p> <p><b>9.</b> Au-pairs experiencing problems with families are advised by BAPAA to contact their agencies. In the case of criminal abuse they should contact the police.</p> <p><b>10.</b> Au-pairs experiencing problems with families are advised by BAPAA to contact their agencies. In the case of criminal abuse they should contact the police.</p> <p><b>11.</b> N/A.</p> <p><b>12.</b> N/A.</p>
	Norway	Yes	<p><b>1.</b> New permits granted to au pairs: 2015: 1 336 2014: 1 481 2013: 1 667 Note that to give the number requested would mean to give the number being hosted for at least one day during each of the three years. This is possible, at least in principle, but would require much effort.</p> <p><b>2.</b> You will find information concerning requirements of au pairs and host families and procedures on <a href="https://www.udi.no/en/want-to-apply/au-pair/au-pair-permit/?c=rus">https://www.udi.no/en/want-to-apply/au-pair/au-pair-permit/?c=rus</a></p> <p><b>3.</b> There has been a number of reports on discussions on the situation for au pairs in Norway the last few years, but there is no easily available documentation that provides an overview or listing of these reports. For further information you may try to consult reports from one of the projects, cf.</p>

<https://www.ntnu.no/kult/publications1> , or you may contact the researchers on this project through <https://www.ntnu.no/kult/bsge>

**4.** At least one of the host parents must have completed an e-learning course for host parents before an au pair permit can be granted. A certificate for completed e-learning course must be submitted with the application. The certificate is valid for 18 months from the date the course was completed. A residence permit cannot be granted if one or both of the host parents has been sanctioned for breaching the conditions for hosting an au pair (a quarantine has been imposed). Nor can a permit be granted to an au pair when a quarantine is being considered, c.f. the Immigration Regulations Section 6-25 third paragraph. As long as the au pair holds a valid permit, s/he can submit an application for a permit for a new host family at any time. The au pair can live with the new host family and carry out duties in accordance with the new contract as soon as a complete application for a residence permit has been submitted. The period spent with the new host family while the application is being processed is included in the total time of residence as an au pair.

**5.** An au pair can report a (possible) misuse to the local police or directly to the Norwegian Directorate of Immigration, or can contact the Au pair Center, a service offered to au pairs and host families when needing advice or assistance. (<https://www.npaid.org/Our-Work/Refugees-and-Integration/Welcome-to-Au-Pair-Center-On-Equal-Terms> ). An au pair can easily change the host family, cf. point 4.4.

**6.** The possibility for imposing a quarantine on host families and to change family, c.f. point 4.4., makes it impossible for the sanctioned families to become host families for 1, 2 or 5 years.