



Ad-Hoc Query on Au-Pairs

Requested by COM on 10th March 2009

Compilation produced on 24th April 2009

Responses from Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom
(21 in Total)

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1. Background Information

We would like to pose the following Ad-Hoc Query in the context of the elaboration of the proposed directive on remunerated trainees, particularly in the preparation of the accompanying Impact Assessment.

In the course of the discussions held in Council on the Framework (Single Application-Single Permit) Directive (COM (638) 2007), au-pairs have been expressly excluded from the Framework Directive's scope of application. However, it has recently been decided to include them in the scope of the upcoming proposal for a Directive on Remunerated Trainees.


In order to have a more complete picture of the current state of play in Member States, we would appreciate receiving information on:

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1. The number of au-pairs (EU-national and third country national au-pairs) hosted in your Member State in the last three years (2006, 2007, 2008 or from 2005 if data for 2008 unavailable);
2. Whether the European Agreement on "au pair" Placement of 24 November 1969 drawn up by the Council of Europe (see <http://conventions.coe.int/Treaty/en/Treaties/Html/068.htm>), has been ratified in your Member State?
3. Whether there are 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 No, please provide the reference (e.g. legislation, web address, report) where the regulations which also apply to au-pairs may be found. If Yes, please briefly outline what these regulations are.

We would appreciate your response by **27th March 2009**.

2. Responses

		Wider Dissemination?																																																													
	Belgium	Yes	<p>1. statistics</p> <p>The number of au pairs in Belgium can be deducted from the number of work permits type B that have been issued for this purpose. Belgium is a federal country and the issuance of work permits falls under the authority of the different regions.</p> <p>Note: As the EU nationals do not need to apply for a work permit, nor a visa; they are not all reflected in the statistics. Except for the new EU member states where transitional measures still apply.</p> <table border="1"> <thead> <tr> <th>Total</th> <th>Brussels</th> <th>Walloon Region</th> <th>Flanders</th> <th>German Community</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2005</td> <td>33</td> <td>27</td> <td>169</td> <td>2</td> <td>231</td> </tr> <tr> <td>2006</td> <td>31</td> <td>32</td> <td>189</td> <td>4</td> <td>256</td> </tr> <tr> <td>2007</td> <td>39</td> <td>50</td> <td>205</td> <td>4</td> <td>298</td> </tr> <tr> <td>2008</td> <td>49</td> <td>42</td> <td>295</td> <td>2</td> <td>388</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>First</th> <th>Brussels</th> <th>Walloon Region</th> <th>Flanders</th> <th>German Community</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2005</td> <td>32</td> <td>14</td> <td></td> <td>1</td> <td>47</td> </tr> <tr> <td>2006</td> <td>30</td> <td>21</td> <td></td> <td>3</td> <td>54</td> </tr> <tr> <td>2007</td> <td>38</td> <td>43</td> <td>192</td> <td>4</td> <td>277</td> </tr> <tr> <td>2008</td> <td>48</td> <td>41</td> <td>271</td> <td>1</td> <td>361</td> </tr> </tbody> </table>	Total	Brussels	Walloon Region	Flanders	German Community	Total	2005	33	27	169	2	231	2006	31	32	189	4	256	2007	39	50	205	4	298	2008	49	42	295	2	388	First	Brussels	Walloon Region	Flanders	German Community	Total	2005	32	14		1	47	2006	30	21		3	54	2007	38	43	192	4	277	2008	48	41	271	1	361
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	Renewal	Brussels	Walloon Region	Flanders	German Community	Total
2005	1	1		1	3	
2006	1	11		1	13	
2007	1	7	13	0	21	
2008	1	1	24	1	27	
	Undeter-mined	Brussels	Walloon Region	Flanders	German Community	Total
2005	0	12	169	0	181	
2006	0	0	189	0	189	
2007	0	0	0	0	0	
2008	0	0	0	0	0	
To give an idea of the nationalities: see statistics of visa applications au pair in 2007						
	PHILIPPINES		52	25,87%		
	PEROU		26	12,94%		
	AFRIQUE DU SUD		20	9,95%		
	UKRAINE		18	8,96%		
	FEDERATION DE RU		10	4,98%		
	INDONESIE		10	4,98%		
	ETATS-UNIS D'AME		7	3,48%		
	POLOGNE		7	3,48%		
	BRESIL		6	2,99%		
	COLOMBIE		6	2,99%		
	MAROC		5	2,49%		
	MEXIQUE		5	2,49%		
	BELARUS		3	1,49%		
	CAMEROUN		3	1,49%		
	INDE		2	1,00%		
	MADAGASCAR		2	1,00%		
	MOLDAVIE		2	1,00%		
	AUSTRALIE		1	0,50%		
	BELGIQUE		1	0,50%		
	CANADA		1	0,50%		
	CHINE		1	0,50%		
	COSTA-RICA		1	0,50%		
	EQUATEUR		1	0,50%		
	Ex-République yougoslave de Macédoine		1	0,50%		

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KENYA	1	0,50%
NAMIBIE	1	0,50%
NEPAL	1	0,50%
NOUVELLE-ZELANDE	1	0,50%
REPUBLIQUE TCHEQUE	1	0,50%
SENEGAL	1	0,50%
Serbie	1	0,50%
TCHAD	1	0,50%
TURKMENISTAN	1	0,50%
TURQUIE	1	0,50%

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Source : Nicolas Perrin: FPS Economie, AD SEI

2. Belgium has signed the agreement, but has not ratified it.

(see: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=068&CM=7&DF=3/13/2009&CL=ENG>)

3. Youngsters who want to become an au pair in Belgium have to apply for a valid work permit B and a valid visa. However, citizens of the European Economic Area and Switzerland are exempted, so they do not need to apply for a work permit B nor a visa (except if transitional matters still apply for the new EU members). As a consequence it a lot of the EU nationals who come to Belgium as an au pair are not reflected in the statistics.

The situation for third country nationals is the following:

An au pair will need a visa type D. To obtain this visa they will need a valid national passport valid for at least 1 year, a certificate a good life 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 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: the au pair

- must be between 18 an 26 years of age, with an additional condition that the au pair receives a work permit before turning 26;


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			<ul style="list-style-type: none"> - 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. <p>The guest family has to fulfil following conditions: the family must</p> <ul style="list-style-type: none"> - 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. <p>Sources :</p> <ul style="list-style-type: none"> - http://www.vmc.be/vreemdelingenrecht/wegwijs.aspx?id=747 - http://www.emploi.belgique.be/defaultTab.aspx?id=4890
	Czech Republic	Yes	<ol style="list-style-type: none"> 1. The data are not available. 2. No. 3. No. There are no specific explicit requirements set for the third country nationals working as au-pairs in the Czech Republic. <p>The term “au-pair” is not specifically recognised within the Czech legislation, however this group of foreigners who “helped with household for food, accommodation and pocket money determined for satisfying his/her fundamental social, cultural and educational needs” is mentioned in section 68 of the <i>Act on the Residence of Foreign Nationals in the Territory of the Czech Republic</i> when the term “continuous residence” for the purpose of granting permanent residence is specified.</p> <p>These foreigners working as au-pairs stay in the territory of the Czech Republic on the basis of residence on visas for a stay for up to 90 days or on visas for a stay for over 90 days, depending on the length of their stay. Thus, they have to fulfil the general requirements for being issued these visas as defined in section 27 or section 31 of the <i>Act on the Residence of Foreign Nationals in the Territory of the Czech Republic</i>. The purpose of the stay should be documented inter alia by the invitation certified by the Police as determined in sections 15 and 180.</p> <p>For details, see the <i>Act on the Residence of Foreign Nationals in the Territory of the Czech Republic</i> (No. 326/1999 Coll.) which determines the conditions of admission of the third country nationals. This Act is available in English at http://www.mvcr.cz in section</p>



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			<p>“Scope of Activities”, subsection “Asylum and Migration” under the heading “Legal Framework” Direct link: http://www.mvcr.cz/mvcren/article/asylum-and-migration/legal-framework.aspx</p> <p>For further information see also www.mvcr.cz section “Useful information”, subsection “Conditions for the Entry and Stay of Foreign Nationals in the Czech Republic”</p>
	Denmark	Yes	<p>Denmark issued 1.793 au pair permits in 2006, 2.207 in 2007 and 2.939 in 2008 (preliminary number).</p> <p>A temporary residence permit as au pair is granted in accordance with the Danish Aliens Act. The regulation on au pair is based on the European Agreement on "au pair" Placement of 24 November 1969, which became a part of Danish law by implementation on 20 January 1972.</p> <p>The immigration regulations that apply to third country national au pairs are rather detailed.</p> <p>The term <i>au pair</i> means 'on equal terms'. The idea of an au pair stay is for a young person to stay with a host family with children under the age of 18' on equal terms' with the other members of the family. The purpose is for the au pair to improve language and/or professional skills as well as broaden his/her cultural horizon by becoming more acquainted with Denmark. In return, the au pair participates in the host family's domestic chores (e.g. cleaning, washing clothes, cooking, babysitting) for a maximum of five hours a day, and no more than six days a week.</p> <p>To ensure that the au pair has a chance to improve language and/or professional skills and broaden the cultural horizon as described above, it is a condition for getting a residence permit as an au pair that he/she already have the necessary linguistic and cultural foundation to receive the full benefit of the stay in Denmark.</p> <p>Examples of conditions that the au pair must meet: Be between the ages of 17 and 29 (both years included) at the time of application. Not be married as this is incompatible with the purpose of an au pair stay. Not bring any children under the age of 18. Have completed the equivalent of nine years of schooling. Have a working knowledge of either Danish, Swedish, Norwegian, English or German.</p> <p>Examples of conditions that the host family must meet: Be comprised of at least one parent and one child under the age of 18 who is living at home. Normally, the child must be registered at the family's address. The host family may not receive public assistance as their primary means of support under the terms of the Active Social Policy Act. They must declare this by signing a statement in the application form. The host family may not have been given a penalty period as a result of previous abuse of the au pair scheme. All adult members of the</p>



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			<p>host family must declare that they have not been convicted of violence or similar against an au pair in the last ten years, and that they have not been convicted of illegal employment of an au pair in the last five years. The host family declares this by signing a statement in the application form. Furthermore, the host family may not have been registered by the Immigration Service in a special 'Au pair register' as a result of other abuse of the au pair scheme (disregarding the limitations regarding an au pair's tasks and duties, maximum work hours, accommodation, minimum allowance etc.).</p> <p>Examples of other conditions and terms: The au pair and the host family must fill out and sign the Immigration Service's au pair contract. The contract is part of the application form. The au pair should assume a role as a member of the family. This means that the au pair should contribute to the household by carrying out chores related to the family's daily housekeeping, such as babysitting, cleaning and washing clothes. The host family may not have other au pairs. The au pair is entitled to sufficient time off to follow language courses and pursue cultural and professional interests, including participation in religious events. The au pair contract cannot be changed to the au pairs disadvantage without the written consent of the Immigration Service.</p> <p>The au pair will be granted a residence permit but not a work permit, as the daily chores with the host family are not considered as work. The au pair are not allowed to carry out chores for the host family outside the time limits defined above, carry out tasks other than household chores, carry out chores or work outside the host family's home, or take on paid or unpaid work.</p> <p>The au pair may be granted a residence permit for up to 18 months, but no longer than the duration of the au pair contract. In exceptional cases, the residence permit can be extended by six months. The Immigration Service has a restrictive policy regarding extensions of au pair residence permits. As such, the au pair should not expect an extension beyond 18 months.</p> <p>If the au pair wish to begin with a new family, the au pair may not do so before the au pair have been granted a new residence permit. The au pair can normally not bring his/her family to Denmark.</p>
	<p>Germany</p>	<p>Yes</p>	<p>1. Statistics and related information regarding the actual stay of au-pairs in Germany do not exist. However, German visa sections have issued the following number of au-pair visas: in 2006: 6.638 in 2007: 5.969 in 2008: 5.319</p> <p>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 applied for directly after having entered the country at the offices of the respective public authorities for aliens (e.g. EU nationals) which means that 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.</p>



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			<p>2. The "European Agreement on au pair Placement" adopted by the Council of Europe in 1969 has not been ratified by the Federal Republic of Germany and has thus not acquired legal character here. The essential criteria of this agreement are also recognised as authoritative provisions in the Federal Republic of Germany, however. (Source: Federal Employment Agency, "Au-pair-Info für deutsche Gastfamilien", as per 5/2007).</p> <p>3. A residence permit for employment as an au pair may be issued with a period of validity of up to one year to persons with a basic knowledge of the German language who are under 25 years of age and employed as an au pair in a family in which German is spoken as the native language (Section 18 (3) of the Residence Act in conjunction with Section 20 of the Ordinance on the admission of foreigners for the purpose of taking up employment ('Beschäftigungsverordnung')).</p>
	Estonia	Yes	<p>1. In Estonia there isn't much statistics available on au-pairs who work in Estonia. We can provide you with the numbers of au-pairs who have registered their short-term employment in Estonia (only third country nationals). The numbers for the last 3 years are following: 2006- 22, 2007-14, 2008-6.</p> <p>2. No</p> <p>3. The Estonian Aliens Act is regulating third country national's employment in Estonia, including short term employment (<i>inter alia</i> as an au-pair). According to the Aliens Act § 13² section 1 p 7 an alien who has a legal basis to stay in Estonia, except for a residence permit, whose employment has been registered with the Citizenship and Migration Board pursuant to the procedure provided by a regulation of the Minister of Internal Affairs before employment commences, and whose time of employment does not exceed the period of six months per year may be permitted to take employment in Estonia without being issued a work permit or a residence permit for working as <u>an au pair</u>.</p> <p>In case of short term employment as an au-pair the law foresees salary criteria. According to the Aliens Act an employer must pay an alien a salary which is at least equal to the latest average gross monthly salary in the main field of activity of the employer published by the Statistical Office of Estonia but not less than the product of the average yearly wages in Estonia and the coefficient 1.24.</p> <p>You can find more information: http://www.mig.ee/index.php/mg/eng/working_in_estonia/short_term_employment_in_estonia</p> <p>Au-pairs may also work in Estonia on the basis of a work permit or apply a residence permit for employment or residence permit for enterprise (in case of self employment). But there isn't any statistics available how many au pairs work on the basis of the work or residence permits.</p>
	Ireland	Yes	<p><u>Q.1 - Statistics</u> The statistical information sought is not available.</p>


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			<p><u>Q.2 - Council of Europe Agreement</u> Ireland has not signed the Council of Europe European Agreement on “au pair” placement of 24 November 1969.</p> <p><u>Q. 3 - Immigration Rules</u> Ireland does not have in place immigration rules allowing for the admission to the State of persons wishing to take up employment as an au pair and does not issue work permits for this purpose. However, non-EEA nationals present in the State may have a pre-existing immigration status which allows them to take up casual employment while present in the State. Such employment is secondary to the primary purpose of their presence in the State but would allow for au pair work on a causal basis e.g. a non-EEA national may take up casual employment as part of their permission to be in Ireland as a student. In addition, a person who has permission to holiday in Ireland under a Working Holiday authorisation may engage in casual employment.</p>
	Greece	Yes	According to our legislation for the “Entry, residence and social integration of third country nationals in the Hellenic territory” (law 3386/2005) there is no category for au-pairs as the term is defined by the European Agreement on “au pair” Placement. This Agreement has been signed by our country on 22/08/1979, but it hasn’t been ratified yet. Thus, there are some third country national employees, who stay in the employer’s house and have certain duties (i.e. house-hold, babysitting, take care elderly people etc.). These employees, however, are included in the general provisions of dependent employment (article 15) and are granted the same residence permit with dependent employees and for this reason we cannot provide separate statistical data.
	Spain	Yes	<ol style="list-style-type: none"> 1. Data is unavailable 2. Spain was included in the European Agreement on “au pair” Placement of 24 November 1969, through the Ratification Instrument of 24 June 1988. 3. Applicable Spanish legislation concerning alien affairs and immigration is mainly made up of Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration and by the Regulations of this Law, approved by Royal Decree 2393/2004 of 30 December. <p>Article 33 (“Special system specific to Students”), Section 5 of Organic Law 4/2000, sets forth that “<i>working for a family in exchange for stay and being maintained by that family while improving one's professional and linguistic skills shall be regulated in accordance with the provisions set forth in international agreements concerning <au-pair> placements.</i>”</p> <p>The aforementioned Regulations of Organic Law 4/2000 does not make any reference whatsoever to foreign “au-pairs”.</p> <p>Therefore, the legal framework concerning <au-pair>, despite the disposition of International Agreements on <au-pair> placements and considering the nature of the <au-pair> figure, is subject to applicable legislation as follows:</p> <p>First of all, the special system specific to students outlined in Organic Law 4/2000 (aforementioned Article 33) and developed by its</p>



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			<p>Regulations (Articles 85 to 91 and 106). This legal framework sets forth the conditions and requirements for obtaining the corresponding study visa, related procedures and other obligations for accessing said special system. Therefore, this way would be the one used by those third country nationals whose main reason for entry to and stay in Spain is training, without formal remuneration from a laboural perspective and without implying incompatibility with the realisation or exercise of remunerated activities, whether part-time or fixed-term. Concerning this aspect, Article 90 of the Regulations referred to establishes the system applicable to student employment. This Article sets forth that salaried employment must be compatible with doing the studies and the income thus obtained must not be essential for the foreign student's living expenses.</p> <p>Second of all, when these third country nationals are considered salaried workers employed by another and, therefore, are subject to a laboural relation, Spanish legal provisions regulating this activity and situation are contemplated in both Organic Law 4/2000 (Articles 36 and 38) and its Regulations (Articles 49 to 57, concerning temporary residence and work as an employed person, in which are set forth, in detail, the conditions, requirements and procedures for accessing said situation). The relationship between employer and worker-employee-au-pair is that of a laboural nature within the scope of the exercise of remunerated work activity as an employee, subject to the Regulations of the general alien affairs scheme, and based primarily on the aforementioned legislation.</p>
	Latvia	Yes	<ol style="list-style-type: none"> 1) There are no separate provisions about the au-pair programme's participants in the Laws regulating the immigration; therefore there are no statistical data. 2) Latvia has not ratified the European Agreement on "au pair" Placement of 24 November 1969 drawn up by the Council of Europe. 3) Theoretically au-pair should travel in Latvia in accordance with the common provisions which regulate the employment, but in reality there are no such requirements. <p>For more detail information you may look: http://www.pmlp.gov.lv/en/pakalpojumi/residence/enterprise_agreement_2.html.</p>
	Lithuania	Yes	<ol style="list-style-type: none"> 1. Such statistics is not available. 2. No. 3. We do not have regulations specific to third-country national au-pairs. For such category of third-country nationals general rules for the issuance of work and residence permits would apply. Au-pairs would be issued a work permit for a maximum period of 1 year. A temporary residence permit would be issued for the same period of time as the work permit. <p>The rules of the issuance of residence permits can be found in the Law on the Legal Status of Aliens: http://www.migracija.lt/index.php?-2015225226</p> <p>The rules of the issuance of the work permit can be found at http://www.ldb.lt/en/Information/Services/Pages/Placementofforeigners.aspx</p>



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			<p>Unofficial comment from the agency working with Au-pair programme: "In Lithuania there is no legal act regulating the Au-pair programme. Therefore, there is no legalized practice to invite Au-pair participants to Lithuania. A nanny could be invited to Lithuania only under general rules applicable to all third-country nationals willing to find employment in Lithuania (e.g. one needs to register a firm, proof that there is no Lithuanian/EU citizen available for a job, etc). For those reasons our agency does not have a programme employing au-pair participants from third countries in Lithuania. We send a lot of au-pair participants from Lithuania to work in EU and USA under the au-pair programme".</p>
	Hungary	Yes	<p>1. The number of au-pairs (EU-national and third country national au-pairs) hosted in your Member State in the last three years (2006, 2007, 2008 or from 2005 if data for 2008 unavailable); Hungary has no official records containing data on au-pairs, but in practice, they are few hosted in the country.</p> <p>2. Whether the European Agreement on "au pair" Placement of 24 November 1969 drawn up by the Council of Europe (see http://conventions.coe.int/Treaty/en/Treaties/Html/068.htm), has been ratified in your Member State? Hungary has not ratified the European Agreement on "au pair" Placement of 24 November 1969.</p> <p>3. Whether there are 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 No, please provide the reference (e.g. legislation, web address, report) where the regulations which also apply to au-pairs may be found. If Yes, please briefly outline what these regulations are. There is no regulation specific to third country national au-pairs in Hungary. Foreigners (including au-pairs) can only work in Hungary in possession of a work permit. Exceptions (work permit is not required):</p> <ul style="list-style-type: none"> • Persons enjoying temporary protection, recognized as a refugee, or having immigration permit or a residence permit • Nationals of the EEA (European Economic Area) and members of their family living in Hungary <p>The period of validity of a long-term visa/ a residence permit issued for the purpose of gainful employment subject to work permit shall correspond to the duration of the work permit.</p> <p>Provisions regulating the employment of foreigners in Hungary:</p> <ul style="list-style-type: none"> – Act IV of 1991 on the promotion of employment and unemployment provisions – Regulation no. 8/1999 (XI. 10) of the Minister for Social and Family Affairs and Labour – Governmental Regulation no. 93/2004. (IV. 27) – Governmental Regulation no. 354/2006. (XII 23.) – Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals




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	Netherlands	Yes	<p>1) Requested numbers: see attached excel document</p>  <p>090326 au pair EU - non EU - 0...</p> <p>The numbers of au pairs with an EU-nationality are relatively small, since this category does not have to go through the residence process as non-EU citizens. Romania and Bulgaria are counted as EU-citizens in 2007 and 2008.</p> <p>2) NL has not ratified the European Agreement on "au pair" Placement of 24 November 1969. See http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=068&CM=8&DF=3/31/2009&CL=ENG</p> <p>3a) Conditions au pair:</p> <ul style="list-style-type: none"> • a valid passport • health insurance with cover in the Netherlands • unmarrital status • no duty of care or responsibility for the actual care of one's own family members (children or parents, for instance) • no risk to public order • undergo an examination for tuberculosis in the Netherlands • over age of 18 but no older than 25 • no previous stay in the Netherlands on a residence permit • no previous work for the same family abroad • only carry out light domestic work to assist the host family • maximum of 8 hours work per day and a maximum of 30 hours per week; 2 days off per week • the host family will support the au pair during the stay in the Netherlands • the au pair signs a declaration of awareness • (most third country nationals also need a provisional residence permit in order to enter NL) <p>3b) Conditions host family:</p> <ul style="list-style-type: none"> • the family must consist of a minimum of 2 persons • they must support the au pair during his/her stay in the Netherlands • the family must have sufficient income to support themselves and the au pair • the responsible person in the host family must sign a sponsor declaration • the responsible person in the host family must sign a declaration of awareness • the family must draw up a daily schedule for the au pair
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	Austria	No	<p>1) EU Nationals (data only of nationals of EU Member States which joined after 2004)</p> <p>2005: 355 2006: 290 2007: 186 2008: 125</p> <p>2) Third-country nationals:</p> <p>2005: 912 2006: 928 2007: 914 2008: 825</p> <p>No data is available for other EU nationals.</p> <p>2) Austria is not signatory to the Au Pair Agreement. (http://conventions.coe.int/Treaty/Commun/ListeTableauCourt.asp?MA=27&CM=16&CL=ENG)</p> <p>3) Yes, according to Art. 62 the Austrian Settlement and Residence Act third country nationals wishing to enter Austria to work as au pairs need a (short-term) residence permit: "Residence Permit - Special Cases of Dependent Gainful Occupation". In order to obtain such a residence permit the third country national has to fulfil the specific a declaration of duty on the part of the host family and the general requirement for settlement and residence permits in Austria: no threat to public interests, proof of accommodation according to Austrian standards, medical insurance, proof of sufficient financial means (i.e. a declaration of liability) and the foreigner's residence does not harm the relations between Austria and another State or international subject. Additionally. no ground for refusal shall exist, such as: a residence ban of Austria or any other EU member state, an expulsion order within the last 12 months, a marriage or adoption of convenience, the third-country national has exceeded the period of visa-free entry or the residence permitted, or conviction for evasion of the border control or illegal entry.</p> <p>Additionally, there is a notification requirement at the Austrian Public Employment Service.(Arbeitsmarkt Service, AMS): http://www.ams.at/english/14616_9689.html .</p>
	Poland	Yes	<p>1. No data available;</p> <p>2. The European Agreement on "au pair" Placement of 24 November 1969 drawn up by the Council of Europe was not ratified by Poland;</p> <p>3. There are o separate immigration regulations for au-pairs – the Act on foreigners of 13 June 2003 applies (attached).</p>



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			 Act on Foreigners.rtf
	Portugal	Yes	<ol style="list-style-type: none"> 1. Portugal doesn't have specific data concerning foreign au-pairs. Anyway in our country "au-pair" activity does not have significant expression. 2. No. Portugal did not ratified Council of Europe's Agreement on "au pair" Placement of 24 November 1969. 3. No. There are no specific immigration regulations addressed to TCN "au-pairs" (Immigration act: Act n.º 23/2007, 4th July). All professional activities of foreign workers are regulated under general Labour Law (Act n.º 7/2009, of 12. February).
	Romania	Yes	<ol style="list-style-type: none"> 1. There are no cases 2. European Agreement on "au pair" Placement of 24 November 1969, was ratified by Romania on 30 May 1971 3. Au-pairs category is not expressly specified by the national legislation on aliens' regime. But, in cases of applications for admission and residence are applicable general regulations set by the Government Emergency Ordinance 194/2002 on aliens' regime, as follows: Admission Art. 49 para. (1) letter g) and para. (2): "(1) The long-term visa for other purposes shall be granted, upon request, by diplomatic missions and consular offices of Romania in the country where they have their residence or domicile, to following categories of aliens: ... g) to those carrying out other activities which are not contrary to Romanian legislation, if their presence on the territory of Romania is justified (2) Aliens falling under the categories mentioned by para. (1) shall e granted a visa if: a) they present proof of health insurance for the duration of visa validity; b) they present proof of existing accommodation conditions; c) they present a police clearance certificate or any other document of the same judicial value, issued by the authorities in the country of origin." Residence Art. 69 para. (1) letter g) and para. (3): (1) Aliens who have entered Romania on the basis of a long-term visa, for other purposes, may request the extension of the temporary right to residence, as follows: ... g) aliens who carry out other activities which are not contrary to the Romanian legislation – under agreement from the competent

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			authorities, when necessary, or by providing documents to justify their presence in Romania; (3) Upon being granted or extended the right to temporary residence, aliens mentioned by para. (1) letters a), c), e), f) and g) shall provide proof of subsistence means, at least to the level of the average net wage for the national economy..."
	Slovenia	Yes	<ol style="list-style-type: none"> 1. Data on numbers of au-pairs is unavailable. In Slovenian aliens legislation there are no specific provisions for entry and residence of third-country au-pairs, so general rules for economic migrants apply. The residence permit is issued for purpose of work if conditions are fulfilled: valid work permit (if required), health insurance, means of subsistence, valid travel document, not posing threat to public policy/security. Due to that fact numbers of au-pairs are 'hidden' in sum of all persons with residence permits issued for work purpose. 2. Slovenia has not ratified European Agreement on "au pair" Placement yet. 3. As mentioned above, there are no specific provisions for entry and residence of third-country au-pairs, so general rules for economic migrants, as stipulated by Aliens Act, apply. The employment and work of third country nationals is regulated in the Employment and work of aliens act. Act stipulates that third country nationals can work as au-pairs only if the employer is a natural person with residence in the Republic of Slovenia and is not registered to perform an activity. In this case that employer may employ an alien natural person or conclude a contract of work with him/her only if the alien is already in possession of a permit for residence in the country which was obtained on another basis. Unfortunately both acts are at the moment available only in Slovene version: <ul style="list-style-type: none"> - Aliens Act (http://www.uradni-list.si/1/objava.jsp?urlid=200871&stevilka=3101) - Employment and work of Aliens Act (http://www.uradni-list.si/1/objava.jsp?urlid=200776&stevilka=4036)
	Slovak Republic	Yes	Slovak Republic does not have such a statistics. Slovakia is more a "country of origin" for au pairs than a destination country. Slovakia did not ratify <i>the European Agreement on au pair</i> and has no special immigration or any other specific regulations related to au pairs from third countries.
	Finland	Yes	<ol style="list-style-type: none"> 1) There is no exact number of au pairs available, but approximately there have been less than 100 au pairs yearly. 2) Finland has not yet ratified the European Agreement on au pairs. 3) Au pairs (third country nationals) do not require a residence permit for employed persons; an ordinary residence permit is adequate. Should a person enter Finland as a fulltime childminder or home help, he or she requires a residence permit for employed persons. Further, in order to obtain residence permit, au pair's means of support must be guaranteed. Also appropriate medical and accident insurance covering the cost incurred by the possible illness or accident is required. <p>Au pair's first residence permit can be granted for a maximum of one year. An extension to the permit can then be applied for, although not for a position as an au pair.</p>

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	Sweden	Yes	<p>1. There are no available statistics concerning EU-national au pairs. Concerning third country nationals the numbers of persons who were granted permits were 220 for 2006, 210 for 2007 and 192 for 2008.</p> <p>2. Sweden has not ratified the agreement.</p> <p>3. There are special regulations for au pairs from a third country. - Maximum stay one year, maximum 25 hours light household work a week, minimum salary SEK 3 500 a month, board and lodging from the host family, arrangement for Swedish language studies. Minimum age is 18 and maximum 30.</p>																																						
	United Kingdom	Yes	<p>1. The number of au-pairs (EU-national and third country national au-pairs) hosted in your Member State in the last three years (2006, 2007, 2008 or from 2005 if data for 2008 unavailable);</p> <p>Passengers given leave to enter the United Kingdom as Au Pairs by country of nationality, 2005-2007(1)</p> <table border="1" data-bbox="607 699 1568 981"> <thead> <tr> <th rowspan="2">Country of nationality</th> <th colspan="3">Number of journeys</th> <th rowspan="2">(P)</th> </tr> <tr> <th>2005</th> <th>2006</th> <th>2007</th> </tr> </thead> <tbody> <tr> <td>Bulgaria</td> <td>100</td> <td>100</td> <td>:</td> <td></td> </tr> <tr> <td>Croatia</td> <td>105</td> <td>75</td> <td>50</td> <td></td> </tr> <tr> <td>Other former Yugoslavia (2)</td> <td>80</td> <td>95</td> <td>85</td> <td></td> </tr> <tr> <td>Romania</td> <td>1,400</td> <td>755</td> <td>:</td> <td></td> </tr> <tr> <td>Turkey</td> <td>665</td> <td>810</td> <td>625</td> <td></td> </tr> <tr> <td>Total</td> <td>2,360</td> <td>1,840</td> <td>765</td> <td></td> </tr> </tbody> </table> <p>Notes: (1) Includes nationals of Bulgaria and Romania before January 2007, but excludes them from this date. (2) Bosnia-Herzegovina and Macedonia P= Provisional data Data rounded to three significant figures or the nearest 5 if less than 1,000 : not applicable</p> <p>2. Whether the European Agreement on "au pair" Placement of 24 November 1969 drawn up by the Council of Europe (see http://conventions.coe.int/Treaty/en/Treaties/Html/068.htm), has been ratified in your Member State? This agreement has not been ratified in the UK.</p>	Country of nationality	Number of journeys			(P)	2005	2006	2007	Bulgaria	100	100	:		Croatia	105	75	50		Other former Yugoslavia (2)	80	95	85		Romania	1,400	755	:		Turkey	665	810	625		Total	2,360	1,840	765	
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3. Whether there are 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 No, please provide the reference (e.g. legislation, web address, report) where the regulations which also apply to au-pairs may be found. If Yes, please briefly outline what these regulations are.

Au pairs have never been treated as trainees for UK purposes – the now abolished Rules provision for the entry of third country nationals as au pairs provided entry for up to 2 years on the following terms:

“For the purposes of these Rules an "au pair" placement is an arrangement whereby a young person:

- (a) comes to the United Kingdom for the purpose of learning the English language; and
- (b) lives for a time as a member of an English speaking family with appropriate opportunities for study; and
- (c) helps in the home for a maximum of 5 hours per day in return for a reasonable allowance and with two free days per week.”

To be eligible the person had to be aged between 17-27 inclusive, unmarried; without dependants; and be a national of one of the following countries: Andorra, Bosnia-Herzegovina, Republic of Bulgaria, Croatia, The Faroes, Greenland, Macedonia, Monaco, Romania, San Marino or Turkey. Such entrants could receive only a "reasonable allowance" from the host family. The restrictions of remuneration and hours of work applied only to this specific category.

Since the abolition of the above provision in November 2008, there has been no discrete provision for the entry of third country nationals for au pair placements. The Youth Mobility Scheme under Tier 5 of the Points Based System allows work of most kinds, including as an au pair, but has no specific terms in relation to such work. Entrants under other immigration categories allowing a variety of work e.g. students may also take au pair work provided that the specific Rules requirements of the category in which leave has been granted are met. In addition, European Economic Area nationals (i.e. nationals of the 15 Member States of the European Union plus Iceland, Norway and Liechtenstein) are free to work here in any capacity, including as au pairs. (NB Bulgarian and Romanian nationals can work as au pairs in the UK – see attached link for info and doc under title Related Docs on the right:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/applying/>)

In the Tier 5 Guidance (<http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/tier5youthmobilityguidance.pdf>) you will see that we include at the bottom of page 7 a website link to the website of the British Au Pair Agencies Association, which can provide information on au pair opportunities in the UK, and may be able to assist with other information on au pair issues.

UK legislation applies in the normal way so, in the case of au pair work, the terms of the National Minimum Wage (NMW) exemption for people living and working within the family (see page 21 of the attached guidance) applies – this involves no specific restriction on hours to be worked by au pairs and no baseline figure for, or limit to, how much money an au pair may receive. The Department for Business, Enterprise and Regulatory Reform (BERR) (1 Victoria Street, London, SW1H 0ET) is responsible for NMW legislation. Advice on national minimum wage issues can be obtained from the national minimum wage helpline run by HM Revenue & Customs on 0845 – 6000 678. (There is also guidance on the internet at “TIGER” (Tailored Interactive Guidance on Employment Rights) at www.tiger.gov.uk.)

Issues relating to au pair agencies are the responsibility of the Employment Agency Standards Inspectorate at BERR, which has

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			responsibility for issues relating to agencies and the minimum standards of conduct established under the Employment Agencies Act, which was designed to protect agency users (including au pairs and host families) from harm. A link to the BERR website: http://www.berr.gov.uk/
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