

Summary of an EMN Ad-Hoc Query No. 2016.1108

Third-country national au-pairs

3 February 2017, prepared by NL NCP

1. BACKGROUND

In 2012 the Commission launched an Ad-hoc query on third-country national au-pairs and remunerated trainees; volunteers, school pupils and unremunerated trainees. For national policy development purposes, the Netherlands wanted to update this information specifically for au-pairs.

2. MAIN FINDINGS

In the following the answers provided by countries are summarised per question.

Question 1. What was the number of third-country national au-pairs hosted in your Member State in the last three years (2013, 2014, 2015)?

	2013	2014	2015
Austria	N/A	N/A	N/A
Belgium	399	438	454
Bulgaria	N/A	N/A	N/A
Croatia	0	0	0
Cyprus	N/A	N/A	N/A
Czech Republic	N/A	N/A	N/A
Estonia	0	1	0
Finland	60	54	63
France	N/A	N/A	N/A
Germany¹	4488	4881	5381

¹ In Germany, statistics are not kept. The numbers shown are visa selections of the worldwide diplomatic missions that have issued au-pair visas. However, certain nationals do not require a visa to enter Germany and to work as an au-pair. These documents can be applied for after having entered the country at the officers of the public authorities for aliens. The picture therefore does not represent an overall picture of the visas that have been issued.

Hungary	16	8	6
Ireland	N/A	N/A	N/A
Latvia	N/A	N/A	N/A
Lithuania	N/A	N/A	N/A
Luxembourg	5	25	48
Netherlands²	1250	1160	1180
Slovak Republic	N/A	N/A	N/A
Slovenia	N/A	N/A	N/A
Sweden³	N/A	245	273
United Kingdom	N/A	N/A	N/A
Norway	1336	1481	1667

Note that Austria, Bulgaria, Cyprus, Czech Republic, France, Ireland, Latvia, Lithuania, Slovak Republic, Slovenia and the United Kingdom do not collect data on permits for au-pairs, or have national systems in which no specific permits for au-pairs are given out.

Question 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.

² The data was provided by the 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.

³ The numbers from Sweden represent the number of work permits granted to au-pairs.

A slight majority of the Member States do not have specific regulations regarding permits for third country national au-pairs. Third country nationals who want to become au-pairs in these Member States, need to apply for regular TCN-work permits or permits for domestic workers. Two Member States (Cyprus and Latvia) do not give out permits to third country nationals who wish to be au-pairs. The remaining Member States have specific residence permits for third country national au-pairs.

In those countries where a specific regulation is in place, the conditions of admission usually comprise an age restriction from 17 or 18 years minimum to no older than 27 to 31 years old. Language requirements are often also in place, as is a declaration of consent for employers of the au-pairs. Requirements for the maximum amount of working hours per week are also laid down (ranging from 30 to 40 per week), the maximum time an au-pair can be employed in the Member State (usually 3, 6 or 12 or 24 months), documentation that needs to be handed to the relevant authorities (passport, education diplomas) and specifications on the type of work the third country national is allowed to do (often light housework and taking care of children).

Question 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)?

Several Member States (Belgium, Germany, Netherlands and Norway) have provided newspaper articles or scientific reports on the abuse of au-pairs in their Member States. Most Member States noted that there is no information available on this issue. France noted that there are seldom reports by the media or notifications at public authorities, but government officials believe that abuse does take place due to amongst others excessive working hours.

Question 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?

Several measures are presented here. In Germany, an au-pair examination is carried out by the social inspection and in Luxembourg, a similar system is set up by the National Youth Service. Estonia and Lithuania, who do not have specific regulation regarding au-pairs, noted that in general, a regulation that concerns vulnerable persons is in place at state

level. Finland noted something similar and stated that immigration authorities examine the grounds for granting a residence permit for an au-pair in the same manner as all other residence permits.

Question 5. Can you describe how an au pair can report abuse and how an au-pair can receive protection in such a case?

Most Member States noted that in case of abuse, au-pairs can report the situation directly to the inspection or ministry responsible for employment or the police. Several Member States also pointed to the possibility of addressing their case to several NGOs. In some Member States, like Lithuania and Germany, au-pairs are able to receive a temporary residence permit and receive social protection, if his/her case is being investigated. Concerning whether au-pairs receive protection in case of abuse, most Member States did not provide information.

Question 6. Can you describe any measures you have taken to protect an au-pair after detection of abuse?

In Belgium, if after inspections it is determined that the conditions for employing an au-pair are not met, the au-pair is to be employed with a labour contract for domestic staff at another employer. In Germany and Norway, placement with other families can be arranged. In Lithuania, the au-pair can receive a temporary residence permit.

EMN NCPs participating: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Slovenia, Sweden, United Kingdom and Norway (20 in total)