

Merethe Nord Philip

Division for study and research

Danish Immigration Service

The purpose of this meeting is to inform about....

1. **Conditions** for getting a residence permit as an au pair.
2. **Consequences** of illegal residence and employment
3. **Protection** of au pairs when being abused

1. CONDITIONS:

The origin of the au pair rules:

- In 1969, the European Council adopted rules to regulate young people's stays as **au pairs in foreign countries**. These rules remain valid, and form the basis of the Danish Immigration Service's standard examination of applications from foreigners who wish to reside in Denmark as au pairs.

What does 'au pair' mean?

- The term 'au pair' roughly translates as **'in equal conditions.'**
- The purpose of an au pair's stay is to improve his or her language and possible professional skills, by residing with a host family' **in equal conditions'.**

Conditions the au pair has to meet

1. Language skills

The applicants should be able to speak and understand a reasonable level of Danish, Swedish, Norwegian, English or German in order to reap full benefits from the au pair stay in Denmark.

2. Age

The au pair must be between 17 and 29 years of age.

3. Educational background

Ended 9 years of schooling.

4. Marital status

The au pair may not be married.

5. Children

The au pair may not be accompanied by minor children.

Conditions the host family has to meet

1. Family members of the host family

The host family must consist of at least one parent and a minor child.

2. Citizenship

As a rule, at least one of the parents in the host family must be a Danish citizen.

3. Income

As a rule, the host family may not receive public funds.

4. Health insurance

The host family undertakes to affiliate the au pair to the social security scheme and to provide appropriate care if the au pair falls ill until such time as necessary arrangements have been made.

Other conditions

1. A written contract

A written contract must be drafted between the host family and the au pair (and the au pair's parents, if the applicant is under 18).

2. Duties

The au pair must assume a role as a member of the family. The au pair undertakes to participate only in day to day family duties.

3. Working hours

The au pair must take part in the ordinary family duties 3 –5 hours per day (i.e. 18 –30 hours per week) and receive at least one day off per week.

4. Free room and board

The au pair must receive free room and board. The au pair's must have his/her own room and it must be located in the host family's residence.

5. Payment

The au pair must receive at least DKK 2,500 per month in pocket money from the host family.

What documents must be closed ?

- A completed and signed **application for a residence permit**
- A valid **passport** or other form of legitimate travel documentation issued to the applicant.
- A **passport photo** of the applicant.

What documents must be closed with the application?

- A fully completed **au pair contract**, which must be signed by both the applicant and a competent adult member of the host family.
- A fully completed **statement about support by public funds** applying to the Act on an active social policy that must be signed by the host family.
- Information regarding the applicant's language skills, education and possible connection to the host family.
- Consent from the applicant's custodial parent or guardian, if the applicant is not yet 18 years of age.

Residence permit – how long ?

- An au pair is granted a residence permit for one year, but not for longer than the length of the au pair contract.
- A six-month extension can be granted. In exceptional cases, the residence permit can be extended to allow the au pair residence for a maximum total of two years.

Customer service goals for the Danish Immigration Service

- The following customer service goals apply to applications submitted **after 1 August 2005**: Applications for residence permits for au pairs **will be processed within two months**, provided that the application contains all information required and that a special review is not necessary. •The customer service goals do not apply to applications regarding extension of a residence permit.

2. CONSEQUENCES

Of illegal residence and employment

- An au pair receives a residence permit but **not a work permit**, as the tasks undertaken by the au pair for the host family are not considered as work.
- The residence permit only allows the au pair to participate in **ordinary daily duties in the host family³ –5 hours daily (18 –30 hours per week)**.

Illegal work is:

Before the residence permit has been granted

- All work for the host family.
- All work for others than the host family.

After the residence permit has been granted

- All work or ordinary daily duties in the host family for more than 3 –5 hours daily (more than 18 –30 hours per week).
- All work for others than the host family.

Penalty provisions

The au pair

- According to the Aliens Act, section 59, 'an alien is liable to a fine or imprisonment for up to 12 months if he stays in Denmark or works without the requisite permit'.
- According to the Aliens Act, section 19, 'a time-limited residence permit may be revoked if the alien fails to comply with conditions laid down for his residence permit or work permit'.

The employer/host family

According to the Aliens Act, section 59, 'any person who employs an alien not issued with the requisite work permit or does so in violation of the conditions laid down for the issue of a work permit is liable to a fine or imprisonment for up to 2 years'.

Initiatives against illegal work and abuse through.....

1. Information
2. Control measurements
3. Practice reform
4. Law reform

Control measurements

- Exchange of informations between authorities etc.
- Unannounced police inspections

Practice and law reform

- Simultaneous interrogations of the host family and the au pair
- 'Black listing' for a certain period of time of host families who abuse the au pair

3. PROTECTION of the au pairs

- Change of practice for revoking a residence permit.
- Who to contact if you are being abused as an au pair.
- If change of host family the au pair can move in with the new host family, but the au pair is not allowed to take part in the ordinary daily duties before a new residence permit has been granted.

The au pair hotline **(09.00-15.00)**
(+45) 35 30 87 55

Danish Immigration Service

Postal address

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