



European  
Commission

OPEN Summary of EMN Ad-Hoc Query No. [2024.18]

AHQ on Au Pair Regulations

*Answered by Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain and Sweden*

*Launched by EMN NCP NL on 19 March 2024*

The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.



## KEY POINTS TO NOTE

- ★ Fourteen Member States/Observer Countries (**CY, CZ, EL, HR, HU, IE, IT, LT, LV, PL, PT, RS, SI, SK**) have not implemented the optional Au Pair Regulation of the Directive (EU 2016/801). As a result, these countries do not have special requirements or regulations for specifically au pairs;
- ★ The other Member States (**BE, DE, EE, ES, FI, FR, LU, NL, SE**) have requirements such as age requirements, language requirements and requirements regarding agreements about rights and duties;
- ★ In five Member States (**DE, EE, FI, FR, ES**) it is possible for a third-country national who has underage (foster) children themselves to obtain a residence permit as an au pair;
- ★ All Member States that have implemented the optional Au Pair Regulation of the Directive (EU 2016/801) have financial remuneration requirements (such as pocket money), except for **EE**.
- ★ In **NL** and **LU**, only a recognized au pair agency can submit the application for an au pair residence permit. In the other seven (Member) States the host family can also act as a sponsor for the au pair;
- ★ Regulations regarding tasks include (in almost all Member States) a maximum number of working hours and a specification of the tasks (light domestic work and daily family tasks);
- ★ These regulations are enforced by several authorities such as labour authorities, the police, immigration services and au pair agencies. In the case of violations, sanctions are imposed (fines, imprisonment, withdrawal of residence permit and termination of agreements).

## BACKGROUND INFORMATION

EU-Directive 2016/801 regulates 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. Au pairing is an optional provision in this Directive. Member States are not obliged to transpose this regulation into national legislation.

In 2021, new regulations for au pairs to obtain a residence permit in the Netherlands were introduced by the Ministry of Justice and Security. According to the new rules, au pairs must be unmarried, are not allowed to have (foster) children of their own, and must be under 25 years old at the time of the application. The new regulations apply to applications

submitted after October 1, 2022. The aim of these changes is to reduce the vulnerability of au pairs and to prevent potential misuse of the program. The impact of the policy adaptations will be evaluated, with results expected in 2024. In this context, it is considered valuable to compare the Dutch au pair regulations with those of other EMN Members.

## MAIN FINDINGS

*1. What are the main requirements for au pairs seeking to obtain a residence permit in your country? (e.g., age, marital status, previous residence statuses)*

First of all, it is important to mention that fourteen Member States/Observer Countries have not implemented the optional Au Pair provisions of the Directive (EU 2016/801): **CY, CZ, EL, HR, HU, IE, IT, LT, LV, PL, PT, RS, SI, SK**. As a result, these countries do not have special requirements for specifically au pairs. Therefore, these countries are not included in the remainder of this summary.

Regarding the Member States that do have requirements for au pairs (**BE, DE, EE, ES, FI, FR, LU, NL, SE**), the following requirements (besides the general requirements for receiving a residence permit, such as having a valid passport and visa) were reported:

- A minimum-maximum range in age (**BE, DE, ES, FI, FR, IT<sup>1</sup>, LU, NL, SE**)
- Language requirements (**BE, DE, FI, FR, LU, NL**)
- No other work permit/job (**BE, LU**)
- Not having worked as an au pair before (**FI, NL**)
- Agreements about rights and duties (**BE, EE, FI, FR, LU, SE**)
- Insurances (**BE, FI, SE**)
- Medical certificate (**LU, FI**)
- Not being closely related to host family (**DE, FI, FR, NL**)
- Holding a certificate giving them access to higher education in their country of origin, or provide proof that they have attended class until at least the age of 17 (**BE, LU**)

Only **NL** explicitly reported being unmarried as one of the requirements for au pairs seeking to obtain a residence permit. However, in **LU** "in principle, the applicant must be single", which is a conclusion derived from the au pair description that the legislator makes reference to ('a young person which will do routine tasks including childcare for a family in Luxembourg while learning languages').

*2. Is it possible for a third-country national who has minor (foster) children themselves to obtain a residence permit as an au pair in your country? If yes, what are the policies regarding the (foster) children of the au pair?*

<sup>1</sup> The entry into Italy of foreign citizens who want to carry out "au pair" activities in Italy falls within the framework of "working holiday" entry visas, without particular regulations for au pairs. Only when it comes to age, requirements apply for specifically au pairs.

In seven Member States (**DE, EE, ES, FI, FR, LU, SE**) it is possible for a third-country national who has minor (foster) children themselves to obtain a residence permit as an au pair.

In **EE** and **FI**, the applicant must apply for a temporary residence permit based on family ties for the child/children, and must fulfill the requirements of this type of residence permit. In **FR**, there is no provision in principle excluding a third-country national who is parent of a minor child from obtaining a visa or residence permit even if this is not indicated in the application form. They just need to sign a sworn declaration of non-polygamy. **FI** and **DE** mention that, in practice, it is unlikely that a minor child of an au pair could receive a temporary residence permit for subsequent immigration. In **ES**, the au pair can only bring biological or adoptive children. There is no provision for foster children. In **LU** and **SE** there is no family reunification possible...

In the other two Member States (**BE, NL**) it is not possible for a third-country national who has minor (foster) children themselves to obtain a residence permit as an au pair.

*3. Are there any financial requirements for au pairs, like pocket money or other (financial) benefits in order to grant the residence permit? YES/NO If answered yes, what is the maximum amount?*

All Member States reported financial requirements, except for **EE**.

Mainly pocket money was mentioned as financial requirement, of which the amount differs per Member State: **BE** (at least 450 euros per month), **DE** (at least 280 euros), **ES, FI** (at least 280 euros), **FR** (at least 320 euros), **LU** (the maximum amount of pocket money is one-fifth of the minimum social wage, which is approximately 514,19 euros), **NL** (maximum allowance for pocket money is 340 euros), **SE** (no maximum amount, the price base amount is for 2024 SEK 57.300).

Other (financial) benefits:

- Costs of insurances (**BE, DE, FI, FR, LU**)
- Contribution for language courses (**DE, LU**)
- Food and accommodation (**BE, DE, FI, LU**)

*4. Is facilitation by a recognized au pair agency as a sponsor mandatory, or can the host family independently act as a recognized sponsor for the au pair?*

Only in the **NL** and **LU**, facilitation by a recognized au pair agency as a sponsor is mandatory.

In the other seven Member States (**BE, DE, EE, ES, FI, FR, SE**) the host family can independently act as a sponsor for the au pair.

*5. Are there any regulations or restrictions regarding the tasks au pairs are allowed to perform within the household of the host family? YES/NO If answered yes, please explain what these regulations and/or restrictions are.*

All Member States that have implemented the optional Au Pair Regulation of the Directive (EU 2016/801) reported regulations or restrictions. These include:

- Maximum number of working hours (**BE, DE, EE, FI, FR, LU, NL, SE**)
- Specification of tasks: daily family tasks/light domestic work/childcare (**BE, DE, EE, ES, FI, FR, LU, NL**)

*6. How are regulations regarding au pairs enforced? When answering please indicate which authority is responsible and if violations are detected what sanctions are imposed.*

Monitoring and detection of violations/offences by:

- Labour inspectorate (**BE, EE, NL, SE**)
- Police (**EE, FI, FR, NL, SE**)
- Immigration services (**FI, SE**)
- Emergency helpline for au pairs/au pair agency (**DE**)
- Border guard (**FI**)

Sanctions:

- Fines (**BE, FR, NL, SE**)
- Imprisonment (**BE, FR**)
- Residence permit not granted/withdrawn/not extended (**DE, FI, NL, SE**)
- Termination of agreement (**FR, LU**)

**EMN NCPs participating:** responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden and Ukraine (25 in total).

The responses from Austria and Ukraine were not for wider dissemination and are therefore not included in this summary.

**Disclaimer:** The responses regarding this ad-hoc query have been provided primarily for the purpose of information exchange among the EMN National Contact Points (NCPs) in the framework of the EMN. The contributing EMN NCPs have provided information that is (to the best of their knowledge) 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. The responses are interpreted by the EMN in order to write this summary.