

CHAPTER 4
SECTION 1

"AU PAIR" PLACEMENTS

GUIDANCE - GENERAL

1. AGE LIMITS

An "au pair" must have attained the age of 17 but not have reached the age of 28. Some discretion may be used in the case of a young person who will be 17 within a few days. Discretion to admit first arrivals aged 28 years or over should not be used unless it is apparent that the arrival has been delayed by an unexpected domestic crisis, illness or the completion of a long-term course of study. In such cases discretion to admit may be exercised up to six months over the age of 28.

A person may seek entry clearance before reaching the age of 17 but will not be issued with an entry clearance until he has reached that age. Provided a person is within the age limit at the time of application an entry clearance can be granted even though he may be 28 by the time it is issued.

A person over 27 seeking to **return** as an "au pair" with the same family is not disqualified solely by age. In any other circumstances where the person is outside the age limits, the application should be refused.

2. THE HOST FAMILY

The family should be resident (though not necessarily settled) in the United Kingdom and be English speaking (i.e. English is the normal means of communication within the family circle). Any doubts on the latter point should be cleared by further enquiries with, or interview of, the hosts (particularly where the "au pair" wishes to live with a family of the same national origin or mother tongue).

Where there is a family relationship between the "au pair" and the hosts, care should be taken to ensure that **all** aspects of the arrangement are satisfactory and, in particular that the "au pair" is coming for the purpose of learning English and not to work as a full-time child-minder.

A "family" need not consist of a husband, wife and children but a person living alone should not be considered as a family for the purposes of the "au pair" rules. If the requirements cannot be satisfied, the application should be refused.

2.1. Host families with more than one au pair at the same time

There is nothing in the Rules to prevent a host family from having more than one au pair at the same time provided that each placement meets the full requirements.

3. CHANGING HOST FAMILY

A letter from the new host family should be requested. Detailed enquiries into the new arrangement will not be necessary, unless there is anything to suggest that it is outside the scope of the "au pair" arrangement.

4. ACCEPTABLE "AU PAIR" ARRANGEMENTS

The definition of an "au pair" arrangement is set out in Paragraphs 88 of the Rules. In addition:

- * an "au pair" should be free to attend religious services as well as language classes if he wishes;
- * he should have free board and lodging and the use of his own room;
- * he may also be expected to babysit for up to two nights a week; and
- * the "reasonable allowance" referred to in Paragraph 88(c) should be up to £55 a week. Any sum significantly in excess of this might suggest that the person is filling the position of domestic servant, or similar, which would require a work permit.

A letter from the host family confirming the placement and describing the arrangements, e.g. details of the host, family duties, pocket money and arrangements for study, should normally be requested.

NOTE: "Au Pair Plus" arrangements may involve more than 25 hours helping about the home. This is not suitable for au pairs who are in the UK under the au pair scheme as it exceeds the requirements of the Rules.

5. AN "AU PAIR" ADMITTED FOR LESS THAN 2 YEARS

An "au pair" who was initially admitted for **less** than 2 years may be granted leave to remain by bringing his stay up to 2 years from the date he was first given leave to enter in that capacity, subject to the satisfactory completion of enquiries into their character and activities and provided a proper "au pair" arrangement exists and the requirements of Paragraph 89(ii)-(vii) are met. Leave to remain should be granted on Code 4.

6. SWITCHING

A person admitted on a temporary basis other than as an "au pair", (e.g. as a visitor or student) is not allowed to switch to "au pair" status. Applications should therefore be refused (INDECS Code A9).

7. "AU PAIR" AGENCIES

"Au pair" agencies no longer have to be licensed under the Employment Agencies Act 1973. They do, however, have to comply with the provisions of that Act. Complaints

about "au pair" agencies are the responsibility of the Employment Agencies Standards Office but should be referred to INPD in the first instance to note.

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