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**CHAPTER 4
SECTION 1****"AU PAIR" PLACEMENTS****1. INTRODUCTION**

A young person from any of the countries listed below who wishes to learn the English language may do so by coming to the United Kingdom to live **for up to a maximum of 2 years** as a member of an English-speaking family living here. An "au pair" is expected to help with housework and assist with the care of children for up to 5 hours a day, 5 days a week.

2. LEAVE TO ENTER AS AN "AU PAIR"

The requirements to be met by a person seeking leave to enter as an "au pair" are set out in Paragraphs 89 in Part 4 of HC 395 and **must** be referred to when reading the following advice.

2.1. Key points

Although **all** the requirements of Paragraph 89 **must** be met, the main points on which the immigration officer needs to be satisfied are:

- that the passenger is aged between 17 and 27, is unmarried and without dependants;
- that he is 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;
- that the "au pair" arrangements are satisfactory; and
- that he does not intend to spend more than 2 years here as an "au pair" and that he will leave the United Kingdom at the end of that period.

2.2. Further guidance

ANNEX A (below) provides general guidance relating to "au pairs".

2.3. Granting leave to enter

- * Up to 2 years on Code 4.
- * The endorsement should be completed by deleting "with" and inserting "as an au pair".
- * The landing card should be noted with the hosts' details, although these should not be noted in the endorsement in the passport.
- * Nationals of Turkey given leave for over 6 months must be required to register with the police. Other nationalities are unlikely to be required to register unless there are serious doubts about their leaving the UK at the end of the two years, but which are not strong enough to justify a refusal. Further details can be found in **Chapter 10 Section 1 - Police Registration**.
- * The "au pair" should be advised that 2 years is the maximum stay permitted in this capacity.
- * The 2 year limit is **not** for an aggregate period; thus any absences from the United Kingdom should **not** be taken into account when granting leave to "au pairs" returning, even after a short absence abroad.

Where the immigration officer is not entirely satisfied that a genuine "au pair" arrangement has been made but nevertheless does not feel justified in refusing admission, he may grant entry for six months on Code 4. **The use of Code 5N or Code 3 is not appropriate in these circumstances.**

2.4. INDECS

AP Au Pair

2.5. Refusal of leave to enter

- * Where no entry clearance is held and the requirements of Paragraph 89 are not met, the passenger should be refused leave to enter under Paragraph 91.
- * Visa Nationals seeking entry without a valid United Kingdom visa fall to be refused under Paragraph 320(5). See **Chapter 9, Section 2** to these instructions.

2.6. Cancellation of leave

- * Where a passenger seeking entry in this capacity holds an entry clearance for this purpose, leave may be cancelled under para 321 (A) if appropriate. Form IS82 CANX should be used (see **Chapter 9, Section 3** to these instructions).
- * In the case of a person returning to the United Kingdom from a temporary absence abroad, within a period for which he was previously given leave,

reference **must** be made, before cancellation of leave, to **Chapter 1, Section 9, "Persons returning to resume previous leave"**.

ANNEX B provides examples of refusal formulae.

2.7. On entry refusal code

Z1	Other reasons
K1	Cancellation of entry clearance conferring leave
K2	Cancellation of continuing leave

2.8. Right of appeal and corresponding refusal form

- * A non visa national without entry clearance who is refused entry as an "au pair" has no right of appeal where refusal is on the grounds that he:
- is outside the age limits specified in the Rules - ie. under 17 or over 27 years [Section 13(3B)(b) of the Immigration Act 1971 (as set out in Section 11 of the Asylum and Immigration Appeals Act 1993)]; or
 - is not a national of one of the countries specified in Paragraph 89 [Section 13(3B)(b)].
 - is seeking entry for a period beyond 2 years from the date he was first given leave to enter as an "au pair" [Section 13(3B)(c)]

Form IS 82D should therefore be used in such cases.

- * A non visa-national who does not have an entry clearance or continuing leave, who is refused entry as an "au pair" on other grounds has a right of appeal **from abroad**.

Form IS 82C should therefore be used in such cases.

The **"Port Instructions for on-entry asylum applications"** provides details of the appropriate forms to use in mixed asylum/non-asylum cases.

3. LEAVE TO REMAIN AS AN "AU PAIR"

The requirements to be met by a person seeking to remain in the United Kingdom as an "au pair" are set out in Paragraph 92 of HC 395. **All** these requirements **must** be met, and **must** be referred to when reading the following advice.

3.1. Key points

Caseworkers must satisfy themselves that:

- the applicant was given leave to enter the United Kingdom as an "au pair";

- the "au pair" arrangements are satisfactory; and
- the applicant would not, if granted an extension of stay, remain here as an "au pair" for longer than 2 years.

3.2. Further guidance

ANNEX A provides general guidance relating to "au pairs".

3.3. Granting leave to remain

- * Code 4, to bring the duration of the applicant's stay to 2 years from the date he was first granted leave in this capacity.
- * The endorsement should include "other than as an au pair". Do **not** quote the hosts' details.
- * If the person concerned is a relevant foreign national (see appendix 2 to the Immigration Rules), or a stateless person, or they hold a non-national travel document, they are required to register with the police if they are admitted for longer than 6 months..
- * The "au pair" should be informed that the maximum period of stay in this capacity is 2 years.

3.4. INDECS

A1 Extension

3.5. Refusal of leave to remain

Chapter 9, Section 1 "Adverse decisions - General Guidance" provides important advice about the decision making process and should be consulted whenever an application falls to be refused.

ANNEX B provides examples of refusal formulae.

3.6. INDECS

- A5 Refusal - age
- A6 Refusal - 2 years completed
- A7 Refusal - not a nationality specified in the Rules
- A9 Refusal - no switching
- A8 Refusal - other reasons, including unsatisfactory arrangement.