



# Labour Market Permit

## Fact Sheet

### Working as an au pair for German families

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#### I. The work of an au pair

The daily work of an au pair varies widely. It wholly depends on the type and lifestyle of the family that is hosting the au pair.

In general, an au pair's everyday work includes:

- Carrying out light housework such as helping to keep the home clean and tidy as well as washing and ironing clothes;
- Making breakfast and simple meals;
- Looking after younger children, i.e. supervising them, accompanying them to kindergarten, to school or specific activities, bringing them for walks, playing with them;
- Watching over the house or apartment and looking after pets.

The tasks of an au pair do not include caring for the sick or elderly (looking after family members in need of care).

#### II. Rights and responsibilities

The European Agreement on Au Pair Placement contains framework regulations on living and working conditions, language classes, social security as well as the rights and responsibilities of the host family and the au pair. Although this agreement has not been endorsed by the Federal Republic of Germany, it is in general followed. In addition, over many years au pair contracts in Germany have also given rise to certain norms:

- **Duration of au pair contract**

The au pair contract must be of least 6 months' duration and can cover at the most 1 year. A renewal of employment as an au pair is not permitted even when the maximum duration of 1 year has not been completed.

- **Work and free time**

In general, an au-pair is not allowed to carry out household tasks (including babysitting) for longer than 6 hours a day and 30 hours a week. If this length of time is exceeded for a particular reason, then prior agreement is needed. The extra hours must be compensated for with time off.

The family has the right to expect that the au pair will complete the tasks assigned to him/her in a reasonable period of time. Carrying out personal tasks (e.g. cleaning and tidying of the au pair's own room) does not count as housework time.

The arrangement of housework time is done according to the needs and habits of the family. However, a degree of regularity in the daily routine is to be expected.

The au pair is entitled to at least 1 full rest day a week. This does not necessarily have to be at the weekend. However, at least one Sunday a month must be kept free for the au pair. In addition, the au pair is entitled to at least 4 free evenings a week.

- **Holidays**

If a family hosts an au pair for a full year, then he/she is entitled to paid holidays of 4 weeks. Otherwise, there is an entitlement to holidays equivalent to 2 working days for every full month.

If the family itself is going on holidays, the au pair often joins them. In such cases however, the au pair also has specific tasks and responsibilities (e.g. looking after children, etc). However, for the au pair a family holiday only counts as his/her own holidays when only non-essential tasks are to be carried out and where the au-pair is not obliged to join the family on holiday. If the au pair does not join the family holiday, then working for another family (e.g. neighbours, friends) is not permitted.

- **Language course**

Every au pair is entitled to the opportunity to do a German language course in his/her own time as well as take part in cultural and scholarly activities. The host family is obliged to contribute €50 a month to the cost of the language course. However, the au pair must bear the costs for other activities himself or herself.

- **Accommodation and meals**

Accommodation and meals will be provided by the family for free. In general, the au pair is entitled to his/her own room within the family home.

He/she joins family meals and receives the same food as the family members. If the au pair has a specific dietary requirement, then this should be clearly stated in the application.

- **Pocket money and travel costs**

The purpose of working as an au pair is to improve language skills (and if applicable, work experience) as well as expanding general knowledge through a better understanding of the host country. Therefore, an au pair does not receive a wage in the normal sense but only so-called 'pocket money'. This currently amounts to €260 per month, regardless of the length of

the housework time. The cost of travelling to and from the host country is usually borne by the au pair.

- **Health and accident insurance, pregnancy**

In Germany, insurance must be taken out for the au pair in the case of illness, pregnancy and birth as well as in the case of accident. All insurance contributions are paid by the family.

- **Ending of au pair contract**

The au-pair contract finishes at the end of the agreed time. In so far as there is no period of notice, the contractual relationship can be terminated prior to this time only in the case of mutual agreement (cancellation contract). In most cases, both parties agree that the au pair will stay such time until he/she has found another host family. If there is a serious reason for doing so, the au pair employment can be terminated without notice. Apart from such circumstances, it is of course expected that the au pair and family will not separate during the first few days of living together. Experience shows that with goodwill the initial 'culture shock' (e.g. arising from different lifestyles and eating habits) can be overcome in a short time. If living together harmoniously is not possible, then the au pair agency should be informed of this as soon as possible. The agency will try to obtain as objective an understanding of the situation as possible and attempt to find a solution that is acceptable to both parties.

### **III. Application, placement and employment**

The minimum age for au pairs is 18 years. In the case of au pairs from EU Member States and Switzerland, this is 17 years. The start date of employment is the determining factor for this purpose. In the case of under-age applicants, a written declaration of consent from his/her legal guardians is required. Married au pairs are also eligible to apply.

The au pair is expected to have a basic knowledge of the German language. Language skills that are equivalent to at least Level A1 of the Common European Framework of Reference for Languages are required.

Applicants should write their application documents (application letter, curriculum vitae) carefully and precisely in the German language and include an appropriate passport photo (to be affixed to the curriculum vitae). Many au pair agencies also require applicants to complete a questionnaire. All information provided must be truthful.

If the host family and au pair are related to each other, then employment of the au pair should not be permitted.

When arranging a placement, the au pair agency will wherever possible take into account the expectations of the family and the applicant. In general, there is a large number of interested families in the Federal Republic of Germany.

In the case of au pairs from countries which do not belong to the European Union (EU), European Economic Area (EEA) or Switzerland (so-called third countries) as well as from the new EU Member State of Croatia, the following requirements must be fulfilled:

- In general, au pairs can only be employed in families where German is spoken as a native language. At least one adult family member must be a German citizen or a citizen of an EU/EEA Member State or Switzerland. If German is spoken as a 'family language' within the family, then permission may be granted once the employee does not come from the host parents' home country.
- In event of more favourable regulations arising from the European Community's right to free movement or right of establishment being applicable to the au pair or the host parents from EU Member States, an EEA Member State or Switzerland who reside in Germany, then such regulations will be taken into account.

Au pair agencies located in Germany are entitled to charge au pairs a maximum fee of €150 for a placement (including the statutory sales tax). Agencies are not permitted to request an advance of this fee. The fee is only to be charged when the au pair contract legally comes into effect. In the case of au pairs from non-EU or non-EEA Member States (with the exception of Switzerland) as well as from the new EU Member State of Croatia, this only applies when the necessary residence permit or necessary EU work permit has been obtained.

#### **IV. Arrival, residency and work permit regulations**

- **Au pairs from third countries**

Au pairs from so-called third countries require a residence permit (visa, leave to remain). The residence permit must be applied for in the form of a visa at the relevant German diplomatic mission (this is the Embassy of the Federal Republic of Germany or authorised local consulate) prior to arriving in Germany.\* A prerequisite for the granting of a visa is the prior agreement of the ZAV (International Placement Services). The applicant must apply for the visa before his/her 27th birthday and in order to avoid any difficulties, apply for it in good time so that this age limit is not exceeded by the time the foreign nationals office (Ausländerbehörde) decides on the application.

Following arrival in Germany, the resident permit can be obtained on request from the relevant local foreign nationals office (Ausländerbehörde). It must be obtained from this office (Ausländerbehörde) before the expiry of the visa. The au pair employment may only commence after the residence permit that explicitly permits the taking up of au pair employment has been obtained.

For the purposes of entering Germany and for the designated period of residence, the au pair requires a valid passport from his/her home country.

\*Citizens of certain countries (e.g. Australia, Israel, Japan, Canada, Republic of Korea, New Zealand, and United States of America) may enter Germany without a visa. Please make inquiries at the German Embassy or German Consulate.

- **Au pairs from the new EU Member State of Croatia**

EU citizens do not require a visa or resident permit. A valid form of personal identification is all that is required for entering Germany. However, it is recommended to bring a passport as well (in the event of loss of personal identification).

Following arrival in Germany and prior to his/her 27th birthday, the au pair must apply for an EU work permit at the relevant ZAV work permit office. The contact point is the relevant ZAV work permit office in the host family's locality. [www.zav.de/arbeitsmarktzulassung](http://www.zav.de/arbeitsmarktzulassung) Only after this permit has been obtained can the au pair employment commence.

- **Au pairs from other EU or EEA Member States and Switzerland**

There are no work permit restrictions for au pairs from these countries.

## V. Last but not least

You are advised to only avail of the services of an au pair agency which promises to assist you during your stay, e.g. in the event of difficulties with the host family. Otherwise, in certain circumstances you will be completely on your own in Germany.

Au pair placement agencies whose placement activities are monitored on a regular basis have come together to form the Gütegemeinschaft Au-pair e.V. association. In addition to placements being provided by commercial placement agencies, in Germany au pair placements are also provided by religious organisations that provide advice and carry out au pair placements.

In the case of **emergencies**, you should first try to make contact with the placement agency. In the event that this is not possible, Gütegemeinschaft Au-pair e.V. has set up telephone helplines whose numbers are available for au pairs to call:

**Emergency hotline: 0800 111 0 111 or 0800 111 0 222.**

These numbers should only be used in the case of emergencies.

If you do decide to come to the Federal Republic of Germany as an au pair, you should approach your host family with an open mind and, in a non-judgmental way, join them in their lifestyle habits and customs which you would like to get to know and learn in Germany. You should make a serious and sincere effort to improve your knowledge of the German language. Finally, from the many new and partly unusual, sometimes difficult but also pleasant experiences that you will encounter, set out to gain a valuable life experience. If you do so, then nothing will get in the way of a successful stay in Germany.