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# “Au pairs” in German families

Information for au pairs and host families



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This leaflet provides an overview of important information for both the au pair and the host family.

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**Bundesagentur für Arbeit**

Zentrale

## **Legal notice**

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# "Au-pair" in German families

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# 1 General

Au pairs are young people who are taken into a family in return for performing a set range of regular tasks in normal family life (child care, light housework), in particular to improve their language abilities and expand their general education by helping them become more familiar with their host country.

The “European convention on hiring au pairs” enacted by the Council of Europe in 1969 contains framework regulations for living and working conditions, language instruction, social services and the rights and obligations of the au pair and the host family. This convention has not been affirmed by the Federal Republic of Germany, and is therefore not considered legally binding. However, the significant criteria of the convention are considered applicable within the Federal Republic of Germany. These will be addressed in more detail in the following document.

## 1.1 Duties of an au pair

The daily duties of an au pair may vary widely, and depend completely on the unique lifestyle and character of the family with whom the au pair will live.

The primary duties of an au pair are to support their host family in taking care of children.

In general, the everyday life of an au pair involves:

- watching younger children and accompanying them to Kindergarten or school, or to certain events, walking or playing with them;
- completing light housework, helping keep the home clean and orderly and washing and ironing laundry;
- preparing breakfast and simple meals;
- looking after the home and caring for pets.

An au pair’s duties do **not** include caring for the sick or elderly (caring for family members who require special caregiving).

The purpose of the au pair’s work is to help them integrate into their host family, thereby giving them an opportunity to improve their language skills and become familiar with the host family’s culture.

## 1.2 Duration of the au pair relationship

The au pair relationship must be at least six months long, and may be a maximum of one year. The au pair may not be hired again, even if the maximum term of one year has not been reached.

## 1.3 Work and free time

In general, the au pair may not perform household duties (including watching minor children) for over six hours daily or over 30 hours per week. This limit may only be exceeded on certain occasions by prior agreement. Overtime hours must be compensated with time off.

The family may request that the au pair complete the duties assigned to them within a reasonable amount of time. Handling private matters (such as cleaning one's own room) is not considered part of the au pair's housework time.

Housework time is organised based on the family's normal habits at home and on their needs. However, au pairs can expect a certain daily routine within the household.

The au pair must have at least one full day off per week (not necessarily on the weekend, although at least one Sunday per month must be free). In addition, they must be granted at least four free evenings per week.

The au pair must be released for language courses, religious activities, cultural events and excursions.

## 1.4 Holiday

If an au pair is engaged by a family for a full year, they will be entitled to four weeks of paid holiday. Otherwise, they will be entitled to two business days of holiday for each full month.

Families often take au pairs along with them when they go on holiday. If they do so, however, the au pair will be expected to perform certain duties and obligations (such as providing child care). Therefore, the family's holiday is only considered a vacation for the au pair themselves if the duties they are expected to perform are insignificant and they are not required to be present. If the au pair does not go on holiday with the family, they may **not** be employed by another family (neighbours, friends, etc.).

## 1.5 Housing and meals

Housing and meals are provided by the host family free of charge. In general, the au pair should have their own room in the family home. They should take part in common meals and receive the same food as family members. If the au pair has any dietary restrictions, they should indicate this in their application.

## 1.6 Language course

All au pairs must have the opportunity to take part in a German language course during their free time and attend culturally and intellectually interesting events. Host families are obligated to pay 600 euros of the cost for the language course. This supplement may be paid out to the au pair at a flat rate of 50 euros per month, and must be paid for the entire duration of the au pair relationship, or may

be paid as a one-time lump sum of 600 euros. The au pair must, however, bear the cost for other events themselves.

## **1.7 Spending money and travel expenses**

The goal and purpose of the au pair relationship is for the au pair to expand their language skills (and gain professional experience in some cases), and expand their general knowledge through better understanding their host country. Therefore, au pairs do not receive wages as such, but do receive “spending money”. This totals 280 euros per month, regardless of how many hours of housework they perform. In general, au pairs must pay their own expenses for travel to and from the host country.

## **1.8 Health and accident insurance, pregnancy**

Au pair relationships are not subject to social insurance requirements. However, in Germany the host family must conclude an insurance policy for the au pair covering sickness, pregnancy and birth as well as accidents (health insurance and accident insurance). Many insurance brokerages will recommend taking out liability insurance as well. The host family must bear all insurance premiums, but are not required to register for a company number.



## **2 Au pair requirements**

### **2.1 Age/marital status**

Au pairs must be at least 18 years of age when they join the family (on the date when they start the position). They must be less than 27 years of age when they request their residence permit. Au pairs may be married.

### **2.2 Language abilities**

It is expected that the au pair will have a basic knowledge of German. Language abilities on at least the level A1 under the Common European Framework of Reference for Languages are expected. This means that the au pair can understand and use familiar, everyday expressions and very simple sentences for the purpose of satisfying concrete needs. They can introduce themselves and others and ask other people questions about themselves – such as where they live, who they know or what kinds of things they have – and answer questions of this type. The au pair can communicate in a simple manner if their speaking partner speaks slowly and clearly and is willing to help them. Language skills must be assessed by the diplomatic mission or foreign services office. The language test results must be provided to the Bundesagentur für Arbeit along with the approval request.

### **2.3 Application**

Applicants should complete their application documents (application letter, CV) carefully and precisely in German, and should include an attractive passport photo on their CV. Many au pair agencies furthermore require applicants to complete a questionnaire. All information must be truthful.

### **2.4 Other requirements**

The au pair may not be related to the host family to be employed by them.

Families are considered to be married couples of the same or opposite sex as well as unmarried couples with at least one child under 18 years of age living continuously in their household. Single parents with at least one child under 18 years of age living continuously in their household are also considered a family. The definition of family in this sense does not include single persons or couples, spouses or domestic partners without children.

## 3 Placement

In placing au pairs, the agency will consider the family's and applicant's needs and requests as far as possible.

Host families may look for and advertise for au pairs themselves. However, we recommend using the services of an au pair placement agency.

Aspiring au pairs may look for a host family themselves. However, in this case as well, we recommend using the services of an au pair placement agency. This is in particular because au pair placement agencies generally are personally available both to the au pairs they place and to host families if there are any problems.

In the Federal Republic of Germany, au pairs may be placed by professional au pair advising and placement organisations, and by commercial placement agencies. Au pair placement agencies have united to form the "Gütegemeinschaft Au-pair e.V.", and the organization's activities are subject to ongoing controlling. Au pairs and families may also use the services of placement agencies located abroad.

Private au pair placement agencies may request and receive compensation for the placement from the parties involved. If it requests compensation from the au pair, this may be a maximum of 150 euros (including statutory VAT). No advances may be requested of this compensation.

The compensation is only owed after a legally enforceable au pair contract has been concluded. This is not the case until the au pair has obtained their residency permit, for au pairs from third countries. If the placement agency requires payment only or additionally from the host family, the amount and due date of the payment may be agreed freely.

## 4 Immigration and residency

### 4.1 Au pairs from EU/EEA member countries and Switzerland

Au pairs from these countries can work as au pairs without needing any permits, since they are not subject to any restrictions under labour market law.

### 4.2 Au pairs from third countries

Au pairs coming from countries outside of the European Union (EU), European Economic Area (EEA) or Switzerland (called third states) must fulfil the following conditions:

In general, they may only be engaged by a family that speaks German as their native language. At least one adult family member must be a German citizen or citizen of an EU/EEA nation or Switzerland. If the family speaks German in their normal everyday interactions,

- then approval may be granted if the au pair does not come from one of the home countries of the host parents.
- If more favourable regulations apply for the au pair or the host parents living in Germany from EU member nations, an EEA nation or Switzerland based on the right to free movement or right of establishment of the European Community, then these apply.

Au pairs from third countries require a residence document (visa/residency permit). The residence document must be requested before arriving in the country from the responsible German diplomatic mission (Embassy of the Federal Republic of Germany or a regional consulate) in the form of a visa. The employment permit will be granted with the residence document once the Bundesagentur für Arbeit has approved the employment. Therefore, the visa directly entitles the holder to carry out the employment indicated on it. However, the au pair should not begin the position until they have their visa or residency permit.

They must apply for a residence permit at the foreign services office responsible for the city in which they live before the visa expires. Visas are generally issued for three months. The local foreign services office also serves as the au pair's initial point of contact for any questions about their stay and about beginning work.

Exception: Citizens of certain nations (such as Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand, the United States of America) can come to Germany without a visa. Further information is available from the German embassy or German consulate.

The visa and residency permit should be applied for as early as possible before the au pair plans to begin their employment, or promptly after arrival, since requests may take a long time to process. In addition, au pairs must apply for their visa before reaching 27 years of age, and may not exceed this age limit before the foreign services office makes its decision.

A valid passport from the au pair's home country is required upon arrival in Germany and for the duration of their planned stay.

## **5 Ending of the au pair relationship**

Before the start of the au pair relationship, the parties must conclude a written contract outlining their mutual rights and obligations. The au pair relationship will end after the agreed time. If no notice period has been agreed to, the contractual relationship may only be dissolved by mutual agreement before this time (cancellation agreement). In most cases, both parties agree that the au pair should remain until they have found another host family. The au pair relationship may be terminated without notice if there is a serious reason to do so. Apart from this, of course, the au pair should not be released during the initial days of living with the family; experience has shown that by working together in a spirit of goodwill, all sides will be able to quickly overcome the initial "culture shock" (for instance due to different lifestyles and eating habits). However, if it is not possible for everyone to live together in a harmonious way, the au pair agency should be informed as quickly as possible. They will attempt to get an objective overview of the situation and find a solution that is acceptable to both sides.

## 6 Emergency hotline

The placement agency should be the first contact in case of an emergency. If this is not possible, then please contact the “Gütegemeinschaft Au-pair e.V.” and its crisis line.

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

These numbers are only provided for emergency calls