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## **Au-pair, the ambiguous persona**

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**How does the au-pair scheme applies to EU and non-EU citizens in Norway?**

**A Qualitative Comparative Study**

**Master Thesis**

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**Declaration**

I, Julina Canga, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

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## **Abstract**

The au pair scheme in frame of legal framework, international theories of migration and citizenship. This study investigates the au-pair scheme in the perspective of the legal framework with features of migration theories and of regulation of entrance in Norway based on citizenship. Therefore, how the citizenship influences the au-pair scheme has been further examined. This has been conducted by elaborating mainly two main groups as au-pairs: European and non-European citizens as au-pairs in Norway. This study offers an approach of the au-pair scheme as it underlines the legal frame work in international and national level. It is explained in detail the legal instrument European Agreement on the au-pair placement and furthermore the regulations that regulate the movement of European and non-European au-pairs. Thus, to non-European au-pairs migration law comes into force and it's further described. Whereas, to European citizens it applies the Free Movement Directive and it explains the rights and obligations of au-pairs that derives from the legislation.

Furthermore, the theories of migration as core theories of this comprehensive and interdisciplinary study to investigate how the citizenship influences the appliance of the au-pair scheme towards European and non-European citizens.

Enriching this goal qualitative methodology is applied in conducting this research. Additionally, this type of methodology is further elaborated to understand the appliance of the au-pair scheme depending the citizenship European or non-European. This research concludes the need for improvement of the au-pair legal frame work in terms of migration regulations to treat au-pairs equally despite the citizenship.

*Key words: au-pair scheme, citizenship, freedom of movement, Norwegian migration law*

## TABLE OF CONTENTS

<b>1. Introduction</b> .....	9
1.1 Research questions.....	11
1.2 EU and non-EU au-pair definitions .....	11
1.3 Thesis structure .....	12
<b>2. Legal instruments of the au-pair scheme</b> .....	14
2.1 International legal instrument .....	15
2.3 The Law of non-EU au-pairs .....	20
2.4 EU versus non-EU au-pairs.....	22
2.5 Summary .....	23
<b>3. Theoretical framework</b> .....	26
3.1 Macro- economic migration theory.....	27
3.2 Micro economic and household migration theory .....	28
3.3 Networking migration theory.....	29
3.4 Summary .....	30
<b>4. Methodology</b> .....	32
4.1 Qualitative research .....	32
4.2 Why interviewing?.....	33
4.3 Semi-structured interviews .....	34
<b>5. Analysis and interpretation of findings</b> .....	37
5.1 Why au-pair in Norway?.....	38
5.2 Motivations of the EU au-pairs.....	38
5.4 EU au-pairs working conditions .....	42
<b>6. The motivations of non EU-au pair</b> .....	48
6.1 Non-EU au-pairs, work or in cultural exchange? .....	51
6.2 Working conditions for non-EU au-pairs .....	52
6.3 Summary .....	55
<b>7. Conclusion and further recommendation</b> .....	57
7.1 Recommendation for future research.....	61
<b>REFERENCES</b> .....	64
<b>Appendix</b> .....	67





## 1. Introduction

This thesis examines the influence of an au-pair's citizenship on their experience within and ability to navigate the au-pair scheme. Specifically, how the migration policy of the destination country regulates the movement of au-pairs.

Depending on citizenship an au-pair's movement can be hindered or facilitated. Migrants are considered people who leave their home countries for various reasons in search of a better or different life somewhere else, in this case in Norway. By definition migration is the movement of a person *from* one country *to* another. Migration is dependent on both the country of origin and destination. In this thesis we will differentiate between EU and non-EU member states as country of origin types, while the country of destination will be Norway. There are various channels that people choose to migrate and one of them is the au-pair scheme. The au-pair scheme in Europe, was originally a cultural exchange programme, for generations it has been utilized by women as a way of entering the domestic labor and care work markets of foreign countries. Both domestic and international au-pair regulations require that au-pairs are single young women (Bonifacio 2015: 7). Therefore, many women have chosen to migrate to Norway by becoming an au-pair. In this study, the au-pair scheme in the legal frame work has been given a special attention.

This has been drawn mainly in two levels: international and domestic. In the international legal frame work the au-pair migration has been regulated by: "European Agreement on 'au pair' Placement" (European Agreement) drawn up by the Council of Europe was opened for signature by the Member States of the Council of Europe on 24 November 1969 (Stenum 2011: 23). In 2011 International Labor Organization (ILO) adopted the Convention on Domestic Workers and entered into force on 5<sup>th</sup> of September 2013 (ILO 2013). Even if the Convention entered in force there are few countries that have ratified it and Norway is still not one of the signatory countries. Thus, the Convention on Domestic Workers is not considered to present and relevant on this thesis.

One of the major sending countries of au-pairs have been noted the Philippines. On this regards, in 1998 the Philippine government banned the au-pair migration towards Europe. This happened as were reported many exploited cases, discrimination and prostitution (Stenum 2011). Nevertheless, this was a unilateral agreement and Philippine au-pairs could still enter Europe. The reported cases referred to the Netherlands and in particular in Scandinavia (Anderson 2000).

In the domestic level it will present insights of the Norwegian Act of Immigration which regulates the migration of au-pairs in Norway.

As citizenship plays an important role in the movement of people, this study shall investigate au-pairs coming from EU and non-EU countries to Norway. Based on citizenship migration policies of au-pairs applies differently, and therefore I will look for the differences and similarities between EU and non-EU citizens that might be present.

Norway is chosen as the destination country as it is internationally recognized as having an excellent social welfare state, intent on the well-being and equality of its citizens (Isaksen 2011). Norwegian society is renowned for its egalitarianism, its highly developed welfare state, and relative lack of class divisions (Fry 2003: 127). Also, Norway has been quoted a world leader for gender equality; in two different United Nations indexes for gender equality, it was ranked as the most gender-equal nation in 2001 (United Nations Economic Commission for Europe (UNECE) 2003). Hence, as Norway has the reputation of an egalitarian society and gender equality, it is chosen deliberately for this study as the destination country, to investigate how these facts present themselves in the au-pair scheme.

The au-pair scheme is dominated by women, and as Norway represents a world model on gender equality does this reflect also towards women au-pairs?

This study will look at the following regulations relating to au-pairs: migration policies for EU and non-EU citizens; the international legal framework; Central to the study is the relationship between citizenship and the au-pair scheme. It is essential to clarify that citizenship is the correlation of the individual and the state (Dzankic 2014). This correlation manifests itself differently depending on the state, this will be expanded on further later in this thesis. At the same time, citizenship is a legal status and a concept delivered by the state to its citizens. The international legal framework applies to all au-pairs in the same way but the migration policy is different depending whether they are an EU or non-EU citizen. EU-citizens can easily move within the EU countries, but non-EU citizens are required to apply for a visa to enter Norway. Consequently, it is important to analyze how Norwegian migration policy affects prospective au-pairs from EU and non-EU member states differently.

Furthermore, the motivations of au-pairs in Norway are examined, they are divided into two target groups to compare the similarities and differences between them. This thesis also compares the regulations, working hours, holiday entitlement, and type of work and perception of EU and non-EU au-pairs to main answer the research question.

### **1.1. Research questions**

I am interested in how EU and non-EU au-pairs understand the au-pair scheme, and whether their citizenship affects their interpretation of the scheme. The definitions, EU and non-EU au-pair, are a core concept in this study, thus it is necessary to present the definitions of each of the terms. Apart from that, this study faced different phases to fulfill its aims which I will briefly outline.

The main research question of this study is:

- *How does the au-pair scheme apply to EU and non-EU au-pairs in Norway?*

By examining the main research question, I answer the following additional questions:

- *How does the legal framework define the au-pair scheme for EU and non-EU citizens?*
- *How is the au-pair scheme applied in practice for EU and non-EU au-pairs in Norway?*
- *What are the main factors that impact on EU and non-EU citizens on becoming au-pairs?*
- *Do the working conditions differ for EU and non-EU au-pairs?*

### **1.2. EU and non-EU au-pair definitions**

Before presenting the definitions of the EU and non-EU au-pair, first it is necessary to define what is European Union and an au-pair:

*European Union* (EU) is a regional organization created since 1993 united with an economic and political purposes among European Community states. The EU was created in the aftermath of the Second World War. The first steps were to foster economic cooperation: the idea being that countries who trade with one another become economically interdependent and so more likely to avoid conflict. Citizens within the member countries of European Union benefit from the freedom

of movement and have access to the labor market as a single internal market (European Union 2015).

*Au pair* literally means ‘on equal terms’ or ‘au pair placement’ as ‘temporary reception by families, in exchange for certain services, of young foreigners who come to improve their linguistic and possibly professional knowledge as well as to widen their horizons by acquiring a better knowledge of the country where they are received’ (Directorate of Immigration 2012). In Norway, an au-pair is someone between 18-30 years old, going somewhere abroad, staying with a family up to two years, with the purpose of cultural exchange, meaning to learn about the host country and the local language. An au pair is awarded free boarding and lodging from the host family, and has the right to pocket money, which is a salary for au-pairs rating NOK 5600 per month pre-tax and NOK 8400 for Norwegian classes. However, there are expected changes from the first October 2015, the cost of Norwegian language courses and au-pair salary will be increased. In return the au-pair has to work 30 hours per week, the type of work should consist of light housework and childcare services but are not explicitly defined in the contract (Ibid.).

*EU au-pair* in this thesis, refers to all citizens of EU or European Economic Area (EEA) countries, or Switzerland. Regarding registration in Norway, EU au-pairs are not required to apply for a residence permit but instead, they need to register through the registration scheme for EU/EEA nationals if they want to stay longer than three months in Norway (Directorate of Immigration (UDI)).

*Non-EU au-pair*, refers to citizens of countries other than EU/EEA countries and Switzerland. They are required to apply for a residence permit coming with the purpose of being au-pairs in Norway. The situation of non-EU au-pairs is strongly dependent on the host family, as the host family must provide evidence that they are willing to sponsor the au-pair for their residence permit application to be successful (Ibid.). The details will be presented in the following chapters.

### **1.3. Thesis structure**

In the introduction part the research question was presented, the main definitions which will be broadly used in the next chapters. In the second chapter, a more detailed explanation of the legal

framework will be presented. In the third chapter, the theoretical perspective of international migration theories will be elaborated. In the fourth chapter, the research design and the methodological approach is selected for this study, analyzing its relevance by answering the research question. In the fifth chapter, the focus is on the findings and the analysis by applying the methodological part and linking it to the theoretical suggestions. The final chapter, summarizes the conclusions of the study, recommendations and suggestions to the au-pair scheme are also made.

## **2. Legal instruments of the au-pair scheme**

This chapter covers the legal part of the au-pair scheme in Norway by looking at the main international legal instruments. Also, the domestic legal framework towards EU and non-EU citizens is investigated.

The Council of Europe's 1969 European Agreement on "au pair" Placement (hereinafter referred to as the "Agreement" or "1969 Agreement" in this thesis), as the main international legal instrument this will be presented and explained in detail. The main articles of the Agreement that outline the rights and obligations will have a special attention. Additionally, the Explanatory Report of the Agreement will be utilized.

The Agreement is a legal instrument in an international level but as the definition describes them, au-pairs are foreigners, thus migration legal framework and its regulations on au-pairs interferes in the national level. Therefore, there are implicated two main actors, the sending state and the receiving state which in this case is Norway. The au-pairs, presumed as foreigners, might come from two main target groups, from EU countries and non-EU countries. So, it is necessary to analyze Norwegian legal framework of the au-pair scheme by seeing it separately, according if the sending country is part of EU or not. Taking into account this distinction, I will begin with the regulations of EU au-pair and next part will follow the part of non-EU au-pairs. After this, it will be provided a comparison evaluation of regulations of the au-pairs depending if the sending country is part of EU or non-EU.

Norwegian migration policies regulate EU/EEA and non-EU citizens differently. While, the ones coming from EU/EEA area profit from the Free Movement of Citizens Directive 2004/38/EC, non-EU au-pairs are covered under Immigration Act Section 26.

Consequently, EU/EEA citizens move freely within this area including Norway. Hence, the Norwegian Directorate of Immigration (UDI) does not have an official number for au-pairs coming from EEA/EU as they do not have to register for a residence permit, there are no statistics provided. In 2014 a total of 1481 au-pair visas were issued, where 1270 came from the Philippines (Helen Sandal advisor at UDI May 5th 2015: Personal Communication), which was the largest number

from a non-EU country. As there is no possibility to evaluate the number of au-pairs coming from a specific EU country, EU au-pairs will be treated as a single group.

Therefore, this section presents the regulations of EU and non-EU au-pairs in Norway and specifically the legal frame work that applies respectively.

## **2.1. International legal instrument**

The main international legal instrument of the au-pair scheme is the European Agreement on Au-Pair Placement from the Council of Europe in 1969. In 1984 the European Commission recommended EU Member States to ratify the Agreement (Stenum 2011: 23). So far, five countries have ratified it namely: Denmark, France, Italy, Spain and Norway (ibid: 24) As a signatory of the Agreement, Norway has all the provisions of the Agreement and it is clear that its domestic policy was inspired by the Agreement, particularly similar is the regulation of residence and work permits for non-EU au-pairs (Isaksen 2011).

The Agreement is made of: the preamble, 22 articles explaining in a European complexion the scheme with the enclosure of one protocol, and two annexes (Europe 1969). This chapter will focus on introducing the, definition of an au-pair given by Article 2, and the rights and obligations of au-pairs as enclosed in Articles 6 and 8.

The introduction of the Agreement, clarifies its necessity by listing the main considerations, first it remarks on the necessity of the unity of European Council countries in order to facilitate social progress. Among its considerations it is stated that: *“Noting that in Europe more and more young persons, especially girls, are going abroad to be placed “au pair”, the au-pair gender bias is clearly present due to terms such as “the girl au-pair”.*

Also, in the preamble it is stated that a standardized definition is required, since the member states of the EU claim that au-pair placements have social, legal, moral, cultural and economic implications, which transcend national borders and thereby takes on a European complexion.

Thus, a standard explanation is essential to clarify the position of au-pairs where they are placed in neither the worker or student category but to a special category which has features of both (The Agreement; preamble). The age of au-pairs, is given special attention due to the regulations in the

Article 4/1 of the Agreement: “*an au-pair should be between 17-30 years old*”. Although, one of the remarked considerations is to clarify the description of the au-pair, still the definition is quite vague because the term “*certain services*” is not clarified.

Article 6 and 8 of the Agreement explicitly treat the rights and obligations of au-pairs.

Article 6 states that: “the rights and obligations of the "au pair" and the receiving family, as those rights and obligations are defined in this Agreement, shall be the subject of an agreement in writing to be concluded between the parties in question, in the form of a single document or of an exchange of letters, preferably before the person placed "au pair" leaves the country in which that person was resident and at latest during the first week of the placement”.

Article 8 regulates the rights of the au-pair regarding accommodation, language courses, holidays, religion and pocket money. According to this Article the au-pair should have their own separate room, the host family should provide language classes for the au-pairs, they should have one day off each week, time to worship their religion, and receive the right amount of pocket money which is regulated by Article 6 of the Agreement. The Agreement highlights the nature of the cultural exchange in its definition, but the scheme also stipulates that the au-pair must work 30 hours per week with a limitation of 5 working hours per day, in comparison, normal working hours in Norway are 40 hours per week (Directorate of Labour Inspection 2013: Section 10-4.(1):26). So, the difference from a normal working hour and an au-pair is only 10 hours. In this perspective, the Agreement places the cultural exchange as essential in its definition, it also presents the au-pair rights and obligations but puts them in a direct dependency on the host family, as the one entitled to guarantee these rights.

The Agreement also obliges the contracting states to report to the Council of Europe on the implementation of the Agreement, but according to the Council of Europe reports of this nature have not been submitted since 1998 (Stenum 2011: 24).

The Explanatory Report of the Agreement contributes as a facilitator tool of its provisions. According to the report, this form of placement is not new, but its nature has changed. In the past, placements were arranged on a friendly basis between families known to each other, or through



mutual acquaintances, it has now become a unique social phenomenon because of the frequency and large number of persons involved (European Council 1969).

As tens of thousands of candidates began to travel through Europe, and it was quite obvious that the uncontrolled development of such temporary migration could not be allowed to continue, because it was not in the interest of either party. Hence, an international solution was pursued, consequently the European Agreement (European Council 1969) was created.

Initially, the membership was on a small scale, where only 5 countries ratified the Agreement. In 2004, the Committee on Equal Opportunities for Women and Men of the Council of Europe reported on instances of abuse, noting that 'au pairs are not meant to work as replacement housekeepers or nannies, but some of them ended up being exploited in this way or, even worse, violently treated or sexually abused (Stenum 2011: 24). The Agreement seems not to have placed the au-pair position clearer, their rights are clearly mentioned with a strong dependency on the host family, but none of the signatory states reported to the Council of Europe after 1998, suggesting the Agreement was not a strong instrument to protect the rights of au-pairs. On the contrary, it placed the au-pairs in a vulnerable situation where certain services were not clarified, and set-up a gender bias towards young women. It also made the au-pairs heavily dependent on their host family.

Therefore, the Parliamentary Assembly in the Council of Europe adopted a recommendation (Recommendation 1663) to the Committee of Ministers on 'Domestic slavery: servitude, au pairs and mail-order brides' (Council of Europe Parliamentary Assembly 2004). The recommendation stresses that: "*slavery is present in our times although it was abolished 150 years ago where the target groups victimized are au-pairs and mail order brides*", and also addressed the issue of the au-pairs as a vulnerable group and domestic slaves (ibid). This shows that the Agreement has not regulated in practice the situation of the au-pairs and it does not have a protective role as it aimed for.

In summary, the Agreement is lacking effectiveness and does not accomplish its own aims, as made clear by the words of Recommendation 1663 above. Therefore, it is necessary to look at

other legal instruments that regulate the situation of au-pairs, particularly migration policies for EU and non-EU au-pairs in Norway.

## **2.2 The Law towards EU au-pairs**

Studies and present literature of the au-pair scheme in Norway, has given little attention on the incoming European citizens. Despite an 84 percent coverage in public childcare in Norway, au pair immigration has increased greatly in recent years, especially from the Philippines (Sollund 2010: 143). Thus, there has been a lot of research particularly on Philippine au-pairs and leaving behind other incoming citizens. For that reason, there is a limited reference in this field and I will refer mainly to the online platform and I have done research, explicitly, on EU au-pairs. .

According to citizenship and the category of the sending country, EU citizens employed as au pairs or for that matter domestic workers are according to EU law, mobile EU workers with the protection and entitlements granted to EU citizens working in another EU Member State (Stenum 2011: 27). European citizens can easily move within the Union freely according to the directive on the right of citizens of the Union to move and reside freely within the Member States (Parliament 2004). In this perspective au-pairs coming from EU area do not need to apply for a residence permit but they are required to register, if they have to stay for more than 3 months in Norway. The au- pairs coming from EU countries should have a valid identity document (ID) or passport, and they need to register at the local police with proof that they are financially independent. The au-pair contract can be used to prove this, and they will receive a registration card which does not expire and there is not needed to pay a fee (Directorate of Immigration (UDI)). Also, EU au-pairs need to register once, regardless of how long they will be living in Norway and freely change family without having to re-register (Ibid.).

So, EU au-pairs are freely to come to Norway as au-pairs once they have a hosting family. They should obtain a valid ID or passport, register when they enter the country in the local police, this service is for free and they can easily change their host families without reporting to the police.

Moreover, EU-citizens benefit from the directive of free movement of citizens which states that: *“The free movement of persons constitutes one of the fundamental freedoms of the internal market,*

*which comprises an area without internal frontiers, in which freedom is ensured in accordance with the provisions of the Treaty (European Parliament 2004: 78 (2))”.*

In order to understand, the Service Centre for Foreign Workers works towards foreigners arriving to Norway for employment purposes, with the aim of providing them appropriate guidance and a shortening of the time used for processing their applications (Service Centre for Foreign Workers 2015). Consequently, this procedure shows that EU au-pairs are registered as workers not as cultural exchange or students. Also, EU citizens employed as au pairs are according to EU law mobile workers with the protection and entitlements granted to EU citizens working in other EU Member States. This implies that the element of work in the au pair placement is already regulated through EU law (Stenum 2011: 111).

Apparently, regulations and the registration procedures place EU au-pairs as workers. This is contrary, to the UDI contract agreed upon and the 1969 Agreement as well, that paraphrase an au-pair as persons placed belong neither to the student category nor to the worker category. Interestingly, the EU au-pairs in the registration process are considered workers. This is also one of the reasons that there cannot be found the exact number of au-pairs as they are under the category of workers. Apart from the registration process, what happens in practice with the EU au-pairs will be explained below with the study cases I have investigated.

These changes would be for free and there are not additional costs. Also, their stay in Norway is not limited and they have the freedom to stay in the country without the need to justify their prolongation. This, is the legal situation of the EU au-pairs, in terms of registration. In order to make a comparison between EU and non-EU au-pairs, it is necessary to look at the regulations of the non-EU au-pairs. Therefore, the next section explains the specific regulations that apply to non-EU au-pairs to offer a relevant comparison.

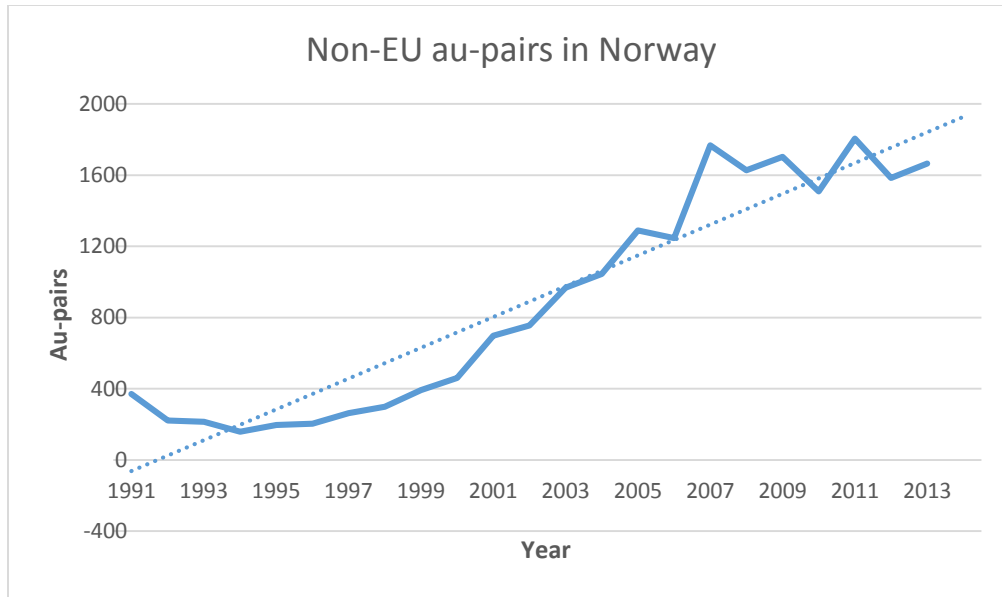
### 2.3 The Law of non-EU au-pairs

The law governing non-EU au-pairs is regulated from the Norwegian Immigration Act 2008. This circular concerns the conditions for being granted a residence permit, as an au pair pursuant to the Norwegian Immigration Act Section 26 first paragraph letter a), cf. the Norwegian Immigration Regulations Section 6-25. The circular applies to nationals of countries outside the EU and EFTA area (Directorate of Immigration 2012).

Non-EU au-pairs in have to apply for a residence permit pursuant to Immigration Act Sections 6-25 (2013) that regulates entrance of au-pairs in Norway. The Immigration Act contains 8 sections, where the Article 2.2 claims that: *“the purpose of the scheme is cultural exchange”* and Article 3 directly titles the conditions for being granted a visa with requirements on the au-pair, host family and for the stay. The au pair should be between 18 and 30 years old at the time of the application, must live with the host family and cannot have children, a rule that came into force on July 1, 2012 (Lene Løvdaal 2014: 139). Article 4 regulates the period: *“a first-time residence permit is granted for up to two years, (cf. the Immigration Act Section 60 first paragraph, the Regulations Section 10-16 fourth paragraph).”*

Therefore, the au-pairs outside of EU region are allowed to stay temporarily up to 2 years in Norway. In the host family requirements is stressed that the family can be with or without children, one of the parents has to be Norwegian and the au-pair is not permitted to work for his/her own family members in direct line of ascent or descent or for siblings, cousins, brothers or sisters-in-law, or uncles or aunts. Nor can an au-pair be the spouse or cohabitant of one of the host parents (Directorate of Immigration 2012: Article 3.2.2.).

The requirement that there are at least two people in the household, without the requirement that there are children present, seems to contradict the definition of the au-pairing where is said that the services of the au-pair consist of light housework and child-minding (Directorate of Immigration 2012: Article 2.1.). But, the definition for the host family does not make childminding a condition for an au-pair permit (Isaksen 2011: 83).



*Table 1*

The number of au-pairs coming in Norway from 1991 till 2014 as table 1 illustrates, has been rising (personal communication with Helen Sandal on 8<sup>th</sup> of April, 2015, from the statistic department of UDI). In consequence to this rising, the rules were amended in 2007 from the Ministry of Labor. The new regulations, consisted on improving the situation of the au-pairs, where the contract became mandatory and the economic situation were placed better (ibid.). In 2011, the Ministry of Justice released new rules and regulations for the au-pairs and host families with the attempt to strengthen the element of cultural exchange (UDI 2011). Yet, according to the Ministry of Justice the au-pair scheme is not work, which contradicts the definition which describes the au-pair as someone that has to work up to 30 hours.

Also, the Immigration Act places that the non-EU au-pairs have to pay NOK 3200, to apply for the residence permit which is valid only for two years. Apart from this, anytime that a non-EU au-pair has to change a family, has to renew the applications and they are also subject to a fee (Directorate of Immigration 2012: section 17-10 first paragraph). Among these it is important to highlight that, a non-EU au-pair should obtain a valid passport as an ID card is not sufficient to apply for a residence permit.

The application procedures for the non-EU au-pairs firstly, take place in their home country and send the application to a Norwegian foreign service mission (embassy/general consulate) in the country of which the au pair is a citizen, or to a Norwegian foreign service mission in the country in which the au pair has held a residence permit for the past six months, cf. the Immigration Regulations Section 10-2 third paragraph. After receiving an entry VISA, than they can travel to Norway (Directorate of Immigration 2012: Section 5). The condition that the au pair cannot enter Norway until he/she has been granted a residence permit also applies if the au pair is going to spend a holiday here or get to know the host family before the au pair placement starts. If the au pair enters Norway before a permit has been granted, the application will, as a rule, be rejected pursuant to the Immigration Act Section 56, cf. the Regulations Section 10-1 fifth paragraph (Directorate of Immigration 2012: section 5.2.1 par. 1).

After receiving the entry VISA to Norway, has to report to the migration authorities and after the report to apply for the residence card. Thus, a non-European citizen have much more obstacles to enter the country and has to go through many steps of the application.

## **2.4 EU versus non-EU au-pairs**

As it has been analyzed above, there are differences on the entrance regulations towards EU and non-EU citizens, coming as au-pairs in Norway. Initially, is the legal frame work applicable, whereas for EU au-pairs comes into force the Directive of Freedom of Movement, and for non-EU au-pairs is the Immigration Act.

Refereeing to these two regulations, changes noticed are the access of entrance, while a non EU-citizen can enter only with a valid passport and an EU citizen can access in Norway just with an ID. Following, non-EU au-pairs, should apply for a residence permit and pay a fee of 3200 NOK, and in case of changing a family they should apply for renewal and are still requested to pay a same amount of fee. Whereas, EU au-pairs need just to register on the police station and there is not requested a fee, also in case they need to change their host family (Norwegian Directorate of Immigration). The stay EU au-pairs is not limited and does not expire, however for non-EU au-pairs this is limited up to two years. So, in a comparison perspective, the differences can be

classified in these categories: *entrance; registration; fee* and *time frame* which are illustrated in the table two.

EU	Regulations	Non-EU
Identity Document (ID)	<i>Entrance</i>	Valid Passport
Report at the Police	<i>Registration</i>	Residence Permit
No Fees	<i>Fees</i>	3200 NOK
Permanent	<i>Time Frame</i>	Limited to 2 years

own illustration

*Table 2*

The regulation, in both cases do highlight the cultural exchange element in the definition part but the elements of work mentioned in other articles contradict the definition. In this perspective work elements of the au-pairs are described as additionally of the cultural exchange scheme. Whereas the regulations explain mostly the working part rather than the cultural exchange even if there a section that regulates the language discourse and Norwegian culture.

## 2.5 Summary

This chapter describes the au-pair scheme in a legal framework by looking at the international instruments and national regulations of Norway towards EU and non-EU citizens. In the international level the Agreement is a main legal instrument which regulates mainly the rights and obligations in the Articles 6 and 8 and its emphasis in the definition is the cultural exchange.

In the Norwegian law the au-pairs are treated differently according their citizenship while EU au-pairs are covered from European Labor Law and benefit from the Freedom of movement. On the other hand the non-EU au-pairs differ from the EU au-pairs in terms of documentation of entrance, costs to apply for the residence permit and their stay is temporarily. Therefore, it is needed to

examine the situation of the au-pairs in practice which is presented in the chapter of analysis and findings.

Furthermore, it is relevant to look at the theoretical part to comprehend the au-pair scheme. Au-pairs as a category of migrants and in this thesis it is examined in the angle of citizenship it is significant to refer at the main migration theories.





### 3. Theoretical frame

This chapter presents the theoretical background that will be applied in answering the main research question raised in the introduction section: “*How does the au-pair scheme apply to European and non-European au-pairs in Norway?*”. Macro-economic, micro-economic, household and networking migration theories are further elaborated.

The au-pair scheme, as the European Agreement defines it, sorts as a temporary form of international migration. Moreover, women increasingly migrate independently, as care givers, skilled professionals, sex workers and asylum seekers (Dobrowolsky 2007). Au-pairs are migrating mainly as care givers as by the definition as they should take care of the children in the host family and housekeeping work. The regulations, described above showed that the citizenship of the au-pairs interferes in the appliance of the scheme according to the movement of persons while EU citizens can easily come to Norway while non-EU citizens need to apply for the residence in a tied dependency with the host family.

Initially, it will be presented the chosen theories of international migration according different scholars that are applicable in the au-pair scheme. Mainly the migration theoretical framework shades light on the neo-classical and new economics theories. Also, a significant role plays the networking migration theory which will be further elaborated. This thesis is conducted as an interdisciplinary study, investigating the au-pair scheme in the angle of migration and how the citizenship interferes in it, respectively with the freedom of movement directive or migration law which has been drawn above. Also, it will investigate the main reasons of the au-pairs mainly in two target groups of the EU and non-EU citizens and this will be further elaborated from the migration theories and the laws that apply according to citizenship to the au-pairs.

### **3.1 Macro- economic migration theory**

Main classical migration theories refer to the economical aspect of initiation of migration and highlights the pull-push factors. In the economical aspect there are the neo-classical micro and macro migration theories. The neoclassical approach to migration analysis can be traced back to Smith (1776) and Ravenstain (1889) (Rob van der Erf 1994: 96). According to this theory the central reason of migration is based on the wages, employability where people from the developing regions are driven from economic reasons to move in the developed regions (Jennissen 2005). In the macro level, it is noted that the decision of moving purely rational weighing up the costs and the benefits of the move (Wallner 2006: 15). Mainly, migration takes place because of geographical differences in demand and supply on labor markets (Rob van der Erf 1994: 96). In addition, the way for governments to control migration flows is to regulate or influence labor markets in sending and/or receiving countries (Douglas S. Massey; Joaquin Arango 1993: 434). The economics based push-pull theories views migration as the outcome of poverty and the lack of employment opportunities in the countries of origin, which drive people to seek better opportunities in the destination countries (Vlieger 2012: 38). In the aspect of the domestic workers, this theory has been applied due to the fact that the destination countries have the demand for the domestic workers. In this way, there is the pull and push factors between the countries for the au-pair scheme. This approach have been further elaborated from the scholars Lutz and Anderson. According to them, is mainly theses pull and push factors which do push the au-pairs for applying the scheme.

This theory, has been criticized as it has failed though to the inability to take account of the structures of the inequality (geopolitical, economic, social) that shape the migration and the limits to agency due to regulations surrounding migration (Wallner 2006: 15).

Often placed in a world system context macro influences are regional and international in scope (Bhachu 2004: 25). Also, this theory has been criticized for its central role on the wage differences and has been more applied in the internal migration rather than international migration.

### **3.2 Micro economic and household migration theory**

Differently, micro economic theory, explains that the decision to migrate is influenced not only from the push-pull factors of the nation economy but also from a rational individual decision that would like to maximize its own individual human capital(Wallner 2006: 15). In this way, the decision taken from the au-pairs is not only related to the push-pull factors of the countries but also their individual decision. This explains the fact that not all the women are migrating or becoming au-pairs if only the macro-economic theory would have been taken into consideration.

This theory highlights the individual decision on calculating the costs and benefits and they expect a net in return from this movement (Douglas S. Massey;Joaquin Arango 1993). Thus, the au-pairs calculate the income and the expenses to balance the profits of this experience. In the case where this calculation is positive women have higher chances to become au-pairs. Potential migrants estimate the costs and benefits of moving to alternative international locations and migrate to where the expected discounted net returns are greatest over some time horizon (Borjas 1994). Therefore, the choice requires the right choice of the country where these costs would be worthy. In this perspective migrants invest costs on this movement like travelling to the new country and the settlement with the calculation on the net benefits in the future. According to this theory and model it is not only the net earnings that are calculated but also the employability chances and human capital. Regarding this theory, this decision is made in an isolated way from the au-pairs where they base their decision on the benefits of the costs.

In contrast, the new household economic theory places migration decisions within the context of the household and contends that the family is at the center of migration decision-making (Jong 2009: 32). The decision-making for migrating is made in a collective way not only for an individual choice but also altruistic for the benefits of the household and other family members. This has been also defined as a household maintenance strategy with the aim of upholding or improving the economic and social status of the household (Lutz 2012: 128). According to Hochschild, women that decide to be domestic workers in first countries, these decisions are not taken in an isolated way also. They do decide in a community level with the aim to support their family members in their home countries as well.

Therefore, micro-economic theory has as a central role the individual rational choice in a calculation of the human capital of the individual in an isolated manner. Whereas, the household migration theory the individuals take the decision of migration in a community level not in an isolated way.

### **3.3 Networking migration theory**

Apart from the described theories, another relevant migration theory to comprehend the au-pair scheme is the network migration theory which facilitates migration through the social networks who connect people in continents through decades. A network approach fits individual decision makers within groups, and it interposes groups between macroscopic, social and economic conditions and actual migrations (Bhachu 2004: 26).

Network migration theory presumes that network connection help as engines in a threshold level consisting on reduced social, economic and emotional costs of immigration. These benefits make migration easier, thus encouraging people to migrate who would otherwise have remained at home (Bhachu 2004: 27). Also, Massey has made the same explanation for networks under the assumptions of a risk diversification model where families allocate members for labor. According to this model, families allocate member labor within the constrain of their own needs and aspirations in a cost-efficient and risk minimizing way (Stavros 1990). Also, many Third World household are economical precarious and if they choose non migration they are in high risks of the well-being (Ibid.). In this way migration transforms in a risk-diversification strategy and reduces economic risks of migration. Migrant researcher highlight the importance of personal connections, institutions and of the organizations that facilitate the migration process (Poros 2011). Social networks are an important channel for making migration easier and possible. The social networks help the recruitment process as well where migrants can meet people from their home-countries in the destination country. Social capital is also used to enter the labor market in beneficial of the migrants through their investments on networking in the destination country.

Differently from the micro-economic and household migration theories, networking migration theory has shifted the unit of analysis from the individual migrant to the networking migrant (Hollifield 2014: 160).

### **3.4 Summary**

Thus, main migration approaches are the neo-classical approach where there are mainly macro-economic model and micro-economic approach. These two main theories focus on the economic reasons migration based on pull-push factors while the micro model focuses on the maximization of the individual choices. Also, there is the household strategy where the people do not migrate only for the maximization of the individual preferences but also for the minimizing the risk of the household or the family members. Lastly, it was introduced the network migration theory where there is given an importance to the social networks of the migrants and encourage people to migrate.

It has been purposely chosen the economic migration theories, household and network migration theories as all together give a better analysis of migration to apply it in the au-pair scheme. Also, as part of the theoretical frame will be applied the laws of the movement of au-pairs that have been drawn in the above chapter.

This thesis as an interdisciplinary study therefore, an eclecticism of migration theories and the laws that apply to EU and non-EU citizens will be used as each of them offers a contribution to a better comprehending of the au-pair scheme.



## **4. Methodology**

This part of the thesis covers the methodological approach of this study. Initially I will describe the characteristics of qualitative research, looking at their main features and explaining relevance considered for this study. Qualitative research offers several alternatives like interviewing, ethnographic field research, action research or case studies (Bryman 2012). In this study I have interviewing therefore, I have conducted 19 interviews, including 16 au-pairs, 3 agencies. Qualitative research has certain considerations and limitations, so it is appropriate to present the limitations of a qualitative research which limits this study as well. Additionally, I have referred at the text analysis of legal texts as the European Agreement of the au-pairs, the Immigration Act of au-pairs in Norway and the Directive of the Free Movement of Persons with EU.

### **4.1. Qualitative research**

In frame of research design, there are mainly two main approaches: qualitative and quantitative. The qualitative research is constructed on words, perspectives of participants, the researcher is closer and a theory is emergent, its changing and not static, contextual understanding, rich, deep data, meaning and natural setting (Berg 2001). Also, quality refers to the what, how, when, and where of a thing-its essence and ambience. Qualitative research thus refers to the meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions of things. Therefore this thesis, attempts to answer how the au-pair scheme applies to EU and non-EU citizens, hence a qualitative research accomplishes better answering this question. Among, the options of qualitative research interviewing is considered and defined as simply as a conversation with a purpose. Specifically, the purpose is to gather information (Berg 2001: 66).

Specifically, I am looking at the European and non-European citizens that become au-pairs in Norway, investigating their motivations and reasons, and then facing the results of both groups to be able to observe differences or similarities in their experiences. So, in this way I can investigate if the citizenship of au-pairs influences their experiences and views on the scheme. Qualitative research methods, and specifically interviews, allows me to investigate these issues.

So, I choose qualitative research as it is more relevant on answering my research question and bringing the viewpoints of the au-pairs.



## 4.2 Why interviewing?

As the au-pair programme is practiced inside a house which is an intimate and private place I did not consider to apply the ethnography method. The recruitment of the participants is done through the main agencies that I found namely: the Au-pair centre, Jurk and Atlantis. Although, in the beginning of my research I tried the participant observation by joining a social event that is organized from the Au-pair centre. In my understanding, the social events are really appreciated from the au-pairs as are seen as a meeting point. During the social event, I talked to the au-pairs for my project and informed them about my aims of being there. After the activity was finished, we sat in a coffee place and I tried to hold a group interview by delivering also the prepared questionnaires. The situation was very spontaneous, outsiders, non-au-pairs were present. These elements influenced and it was noticed that participants were not comfortable to answer the interviews. Although, I asked them this question during the social event, I observed they were hesitating and not very collaborative to participate. Even if, later on we shared some informal talks with each-other it seems that it reached a common ground for both parties and they were willing to participate.

This approach demonstrated that it was not the right method to receive the necessary information. I learned that, au-pairs would like to be contacted in private to participate in the project. This showed that it is not the right approach, to hold interviews without a notice in advance. Even if it was a mistake, it was beneficiary to test it and make a better decision for the accurate research design.

Also, another important characteristic of qualitative research is the flexibility that I have along the process and it allowed me to adapt the interview frames and test the participant observation.

Therefore, I choose for interviewing for this study for the above mentioned reasons and as the most appropriate methodology. Next, I will elaborate the access to the field, how did I reach the participants and the challenges I faced during the research process.

### 4.3 Semi-structured interviews

Before accessing the field, first hand I looked at the interviewing and checked the literature to consider suggestions and advices from scholars as Bruce L. Berg, Howard Lune, Alan Bryman and of the lectures presentation of my university on research methodology. There are different tactics to categorize interviews. At least three major categories may be identified (Babbie 1995; Chava Frankfort-Nachmias 1996; Denzin 1978; Gorden 1987; Nieswiadomy 1993) the standardized (formal or structured) interview, the unstandardized (informal or non-directive) interview, and the semistandardized (guided-semistructured or focused) interview (Berg 2001: 68). The standardized interview uses a formally structured schedule of interview questions and there is a strict guide which does not offer much flexibility. Contrary, the unstandardized interview does not have a schedule and the interviewer ask questions in what the participants tells and has to be spontaneous on the framing of questions. Located somewhere between the extremes of completely standardized and completely unstandardized interviewing structures is the semistandardized interview (Berg 2001: 70).

The semistandardized interview is the selected interview type for this study, as it allows some scheduled questions for the interviewee but it gives the flexibility to raise additional questions as well. This type of interview involves scheduled interviews, which are asked for each of the interviewees in a systematic order but the interviewers are allowed to be flexible and have the freedom to deviate from the schedule. Apart from it, the interviewers are expected to raise additional questions and analyse the answers of these questions (Berg 2001: 70). As Bruce L. Berg points, the language of the questions should be formulated in words which are familiar to the people being interviewed. The questions that are used in this type of interview, reflect on how do the individuals understand the world, which in this case is how do the au-pairs understand the au-pair scheme (ibid.).

After I decided the interview type, I started to access the participants through different channels. I used the snowball sample, as I did not know any au-pair. I started to spread the news among friends and people I knew. In this process my supervisors has played an important role as they suggested the main agencies and other useful networking platforms to reach au-pairs. An important role have played the agencies that I have interviewed as they provided me with a background information

about the Au-pair scheme and I learned about the main obstacles that the au-pairs face in the Norwegian society.

Therefore, with the supervisor recommendation I could interview the leader of the Au-pair centre which was an enriching interview and knowing more about the centre and the situation of the au-pairs in the city. I recorded and took notes of the interview and where I gained an appreciated information how to reach the au-pairs and what are the main challenges that they are facing. The Au-pair centre was ready to help to me to reach other fruitful contacts, therefore I prepared an e-mail to deliver to all the au-pairs. The challenge was that in the centre there were mostly non-EU au-pairs, whereas I was looking for EU au-pairs as well. Another recommendation was from recruitment recruitment of au-pairs, Atlantis while they have partner agencies with other European countries for bringing au-pairs in Norway. In the same time, I delivered the call for au-pairs in the Au-pair centre. I wrote an email, explaining my project and asking for the collaboration of the au-pairs to offer an interview. The Au-pair centre delivered this call to the au-pairs but the respond rate was not as expected. There was no answer from any of the au-pairs directly. In that situation I had a response from the teacher that is teaching Norwegian to the Philippine embassy, who offered to deliver this message to other contacts.

In a lack of response, I changed the way of the research by localizing it and being more focus in the target group. Thus, I focused on the EU au-pairs and later on I scheduled to focus on the non-EU au-pairs.

This was a learning experience and along the way I could understand how to reach the participants better. Atlantis, the recruitment agency of au-pairs supported on finding participants and on delivering a call to their au-pair database. In this way, I received feedback from five applicants willing to collaborate for the project. Although, I was looking for the European au-pairs call was open to everyone, thus to observe which nationalities will be responding.

I received positive answers from four EU au-pairs and one non-EU au-pair, making in total five responses. After that I arranged personal interviews with the corresponding au-pairs. Most of the interviews were held on coffee places and in a quite environment. One of the interviews, was done via skype and I did not record it but kept detail notes during the conversation and wrote a quick

feedback after the call was finished. In the end I managed to interview six EU au-pairs. Through Atlantis, I could interview 6 EU au-pairs.

Later on, when I finished interviewing the European girls, I started searching for the non-European group. I contacted the au-pair centre again and I deliver the call for au-pairs once more. I joined the launching event of the handbook for au-pair rights, promoted from the center and there I had the opportunity to meet with some current and former au-pairs. I was invited at Norwegian class for the au-pairs and I had the chance to interview non-EU au-pairs.

On the other hand the interview questionnaires I prepared for the au-pairs were the same but during the interviews, I added or skipped questions. I also interviewed two former au-pairs, so I did adjust the questions to the participants. In total I interviewed eleven non-EU participants where 9 are current and 2 former au-pairs.

As I mentioned above, I did interview representative of Atlantis, the Au-pair centre and during the research I interviewed a representative from Jurk organization to have a perspective of the au-pair scheme from non-governmental actors as well. In total I gathered 17 interviews which I recorded them all except the Skype interview. I transcribed the recorded interviews even if in some of them it was problematic to hear the conversation or in some others there were technical problems occurred so, I could not hear the whole interview.

This taught me not to rely only on technological equipment, and to double check if they do work properly. In any case, I wrote down a summary of each of the interviews once I finished the conversations. Apart from that, during my field research I kept a research log to keep track of the process of contacts and information. Later on, after the transcription of my interviews I did select and decided which of them should be considered to be analysed. This will be further on elaborated on the part of analysis and findings.

## 5. Analysis and interpretation of findings

This chapter covers the empirical findings and analysis, as a result of a qualitative research through depth semi-structured interviews. In this part, the collected data consist on answering the research question raised in the first chapter. Thus, a presentation of interviews is essential to answer: “*how does the au-pair scheme apply to European and non-European au-pairs in Norway?*” From an interactionist’s position, interviews are essentially symbolic interactions. From the dramaturgical interview’s perspective these interactions can be described along the lines of performance. The social context of the interview, therefore, is intrinsic to the understanding the data that were collected (Silverman 1993) (Berg 2001: 103).

The first part will analyze incentives and aims of the EU au-pair by presenting an overview of this target group, considering other significant variables as education; owning a contract; knowledge of their rights and duties; and supplementary comments on their experiences as au-pairs. The same analysis will follow for the non-EU au-pairs.

Furthermore, if the au-pair scheme is considered a cultural exchange or work is examined from both groups, to comprehend influences of the laws based on citizenship. This will be presenting by quoting relevant information collected from the interviews. The expected finding is that, citizenship influences the au-pair scheme and although the concept is the same, there are significant differences between EU and non-EU citizens. In the legal perspective the non-EU au-pairs have to apply in frame of the Immigration Act Section 26 and EU au-pairs based on the Free Movement of Citizens Directive 2004/38/EC. Thus, the research question if the citizenship influences in practice the au-pair scheme and other expected results will be expanded in the part of interpretation of findings.

To summarize, mainly two target groups are presented in this section: EU, non-EU au-pairs and analyze the role of citizenship in the au-pair scheme and in which extend the regulations influence the au-pairs in practice. Also, the linkage between migration theories and interviews is provided in order to comprehend the comparison part of EU and non-EU au-pairs.

## 5.1. Why au-pair in Norway?

In the beginning it will be presented the main motivations of EU au-pair group, their usual tasks, working hours and their short-term future plans. Same enquiries have been addressed to non-EU au-pairs to facilitate a better comparison.

Main argument in this part is that, citizenship influences in a certain degree the appliance of the au-pair scheme and there are found differences and similarities between EU and non-EU au-pairs. The EU au-pairs entitled from their citizenship can move freely within Europe and thus makes them more independent towards the host family. On the other hand, the non-EU au-pairs as their stay is limited only two years and they have a strong dependency with their host family. This might influences on the motivation EU au-pairs as they can freely entering Norway, thus the au-pair scheme for them is not the only channel for them to enter in Norway. While, for the non-EU au-pairs might be practiced as a channel of migration to leave their home-countries.

Therefore, at first will be described the motivations and working conditions of the EU au-pairs. Later on, will be presented the same way for the non-EU au-pairs to make available a comparison of the study of both targeted groups.

## 5.2. Motivations of the EU au-pairs

Accordingly, this part covers the motives of the au-pairs, viewpoints from au-pairs in the au-pair scheme and their short-term, future plans of the EU. The 1969 Agreement, the contract from UDI and other sources by definition explain the au-pair scheme having features of cultural exchange and work. Even though, the registration process categorizes them as workers, but what happens in practice and what do au-pairs think about it? Below, are the answers that the au-pairs give when they are asked why they choose to become an au-pair and why in Norway?

The following answers are:

*“P1: I wanted to spend one year abroad and work and travelling I found it very insecure so, I thought I wanted to have more stable, money every month and being secure. I decided Norway because I liked Scandinavia and wanted to learn the language.”*

This participant highlights the security reasons for becoming an au-pair and focuses on the security aspect and also because she wants to travel abroad and chooses particularly Norway with the aim to learn the language. This seems an individual decision where the person look at it as an opportunity to gain a human capital on learning Norwegian. Looking at this participant, the micro-economy theory of migration explains that the decision of a person to migrate is a rational individual decision that would like to maximize the individual human capital (Wallner 2006).

*“P2: It was my dream to come here and to live alone and because I wanted to live by myself. In my country I had my University in my city and I wanted to go out and do all things in my own. Also, I wanted to do it abroad in some crazy country than no one can come and live by myself; so I wanted to drive in a new country and to work with kids that don’t speak my language and learn Norwegian. With the kids I can learn a lot and they correct me when I am talking.”*

In this case it is more important for her to become independent, as she was never living alone before as her studies have taken place in the same city that she used to live. She has an interest on Norway but mainly she emphasizes the independence. As in the other case above, the au-pair scheme is a channel to invest in the human capital where she can gain more skills in the Norwegian language, training of driving the car in a new country. Thus living alone for her will bring other social investments.

*“P3: After the college, I went for the first time in Ireland and wanted to try something new. After 2 years in Ireland, I went back home and then I said what to do next and wanted to see the northern lights and visit the country and I didn’t find a job back home so I decided to become au-pair again.”*

In this case, the au-pair has been an au-pair in Ireland and after that decided to go in her home country to continue the life there. In a lack of employment she decided to have another au-pair experience. In this way, we can explain this case of migration as pull and push factors of migration. This can be explained with the macro economy theory where there is a calculation of differences of wages. Refereeing to Wallner and Massey people move there were they can find employability and benefit a net in the wage calculations. But macro-economic elements are not the only features in this case but also elements of micro economic theory are present, as long as the au-pairing is considered as tourism for enriching human capital.

*“P4: I wanted to do something different after I finished high school and not to study, au-pair is the cheapest and the easiest as work and travel is very expensive. I have been here in holidays and I liked it and mostly because all go in the same place, I wanted to be different.”*

This participant says that coming to Norway as an au-pair was a comfortable experience in the terms of economy. After her studies she was aiming to do something different and chooses au-pair as a comfortable way of travelling. Here, it is clearly an individual rational choice to invest on the human capital according the micro-economic migration theory.

*“P5: I didn't want to start an adult life yet, not sure what to do or study. I wanted to come in Norway for new culture and for how good life is in Norway. Before I came also just for visit and I wanted to study here and learn the language.”*

Similarly, to the other above case the person also chooses the au-pair scheme instead of continuing studies. In the sentence of “*how good life is*” this can be interpreted with the good economic and high standard of life in Norway. In this logical, Norway was not an accidental choice but a rational decision for the new culture and the good life in Norway. Although, it is not explicitly mentioned the economic reasons, the chosen place of the good life in Norway is related to this. Therefore, indirectly we can see this case as part of the micro-economic theory of migration as well.

Overall, analyzing their thoughts and sentences I would summarize and list mainly sets of motivations according to micro economic migration theory:

- Cultural reasons as the language, culture and traditions of Norway; Safety aspects: the fact of being with a host family is considered a safe environment; Personality growth: it is considered a way of gaining independence and living on their own;

And macro-economic migration theory:

- The economical perspective: a cheap way to travel and live abroad independently; Employment features: a way of employment due to lack of job opportunities in their home countries;

Looking at their answers, the au-pairs come with the intention to learn about Norway, the language, travel and be independent and in this way to invest mostly in their human capital. Looking at the



theory from Douglas Massey, in the elements of micro economic theory of migration, people migrate in a rational decision where they calculate benefits and costs. Thus, we could see this rational thinking in the above participants. Additionally, one of the participants have chosen the au-pair scheme according the pull and pull factors as SHE was not able to find a job in her home countries. In these case there are elements of the macro and micro economic theories where employability, wage calculations and human capital are considered significant. To sum up, motivations of EU are mainly explained from micro and macro-economic theories of migration.

### **5.3 Au-pairs, work or cultural exchange?**

Also, it was directly questioned how do au-pairs frame the au-pair scheme rather as work or cultural exchange? In response, two of them phrase it as a cultural exchange, the other two claim it as working and cultural exchange while one of them says its more like work. Some of the following asnwrs are:

***P1:** It's more like working.*

***P2:** Both; you work and you learn also. I work but also learn of the culture.*

***P3:** I would say 50/ 50...it's not possible to work and not to have a cultural exchange and you cannot do the culture exchange without working in the au-pair scheme.*

***P4:** It's more a cultural exchange? Because I see a lot of differences between Norway and Germany in the expression language, human part of the Norwegian, the food and its very different from German mentality*

***P5:** it's a cultural exchange, I learn a lot“.*

Therefore, the participants that interpret the au-pair scheme as work they do confirm by saying that it is more work rather than cultural exchange. While, the other two participants can not separate the work and the cultural exchange part.

On regards, if they would propose this experience to someone else they would but with some suggestions as follows:

***P1:** Well, it depends on the family but yes because you can learn the language and even more.*

*P2: It's a good thing but it depends on the family."*

According to the above statement, the host family plays an important role in the au-pair but nevertheless the au-pair scheme is positively recommended. Thus, the au-pair should show vigilance to the host family that they will be staying with. Another participant answers this question:

*"P3: Yes, absolutely but it depends what they expect and it's about intercultural and to be curious what you are going to experience...to be out of their normal day also. Some people don't like to learn and get confuse to go out of comfort zone. If someone is looking for this yes, go!"*

In the viewpoint of this au-pairs, the personality and expectations of are emphasized like: being out-going, ready for experiencing to live with other people and open to new cultures.

In the same time one of the au-pairs tells that, she would recommend to the others but personally she wouldn't do it again. While, these questions were discussed the economic reasons were present as well, as they saw the au-pair(ing) as a cheap way to be abroad and travel in the same time. On the other hand, they did not send money back home unless they would like to but according to all of them answered it was not necessary. Surprisingly, one of the girls responds in this perspective:

*"P: As an au-pair you get a lot of money! I saved some of them and I could go out with my mom but some other girls would like to buy expensive clothes, go to hair-dresses and for this of course you don't get so much money."*

This was the only case where the sum of the amount was considered affordable for a living in Norway, whereas others didn't have any further comment but it was noticed that it was not considered a huge amount. Au-pairs do get 5 400 NOK per month as pocket money, beside their accommodation and lodging is covered from the host family (Directorate of Immigration (UDI)).

#### **5.4 EU au-pairs working conditions**

In this group, I had the chance to interview five informants, respectively three of them obtain Polish citizenship and the other two are Germans. In the age perspective, the au-pair scheme is applied to give young people aged between 18 and 30 (Directorate of Immigration 2015: 1).

Therefore, the age of the au-pairs has these boundaries but still, was considered as a variable in the interviews to compare it with both groups. The au-pair's age group varies between 18-26 years old.

All of the informants purchase an au-pair contract and until the moment of the interview (May 2015), they have spent in Norway more than 7 months. According to the education, two have just finished high-school, the other two, completed bachelor studies and one has finalized Master level studies. Participants, were asked if they had children back home and resulted that none of them does. This rule, which has been introduced on July 1, 2012 (Royal Norwegian Embassy in Manila 2015) is not included on the contract of the EU au-pairs (Directorate of Immigration 2015). If the EU au-pair follows the procedures personally not through an agency, the available contract does not include this rule. Nevertheless, participants are informed about this rule, although one of them assumes that this rule is applied only to German au-pairs by claiming that:

*“PI: No, I don't have kids back home as for German au-pairs is not allowed.*

*I: An au pair who has children cannot, as a rule, be granted a residence permit (Directorate of Immigration 2012: section 3.1.2)*

*PI: Oh really?!(...) Because I have heard a lot of Philippine have kids back home.”*

Thus EU au-pairs are not clear what does the regulation says when it comes to the condition of having children or not to be able to become au-pairs as it is not explicitly stated.

According to night work, looking back at the 1969 Agreement, unlike contemporary national au-pair regulations opens up the possibility for night work, stating that: services required by the au pair person might include looking after the children even at night. None of the European countries au pair scheme today allows night work (Bonifacio 2015: 56) but in Norway is regulated as it follows: *“any childminding in the evening and/or at night shall be included in the working hours. This applies even if the child is asleep (Directorate of Immigration 2012: section 3.3.3 para.1)”*.

Even though it is meant to provide the necessary conditions for regulating the relations between au-pairs and receiving families, the 1969 Agreement contains a lot of contradictions and ambiguities that have allowed of misinterpretations of its provisions (Ibid.) thus has led to vague

national contracts also. Besides this, au-pairs find it difficult to answer if they have been working during night, as babysitting or looking at the child sleeping according to them is not considered work.

Although, one of the au-pairs have that has been working during night and these hours have been calculated as their working hours. Referring to the Norwegian Immigration Act au-pairs can do it seldom night work when it has been agreed in advance from both parties but must not be part of the au-pair's regular duties (Directorate of Immigration 2012: section 3.3.4 para.2).

Apart from night work, officially, the national contract, state that working hours must not normally exceed five hours a day, and the maximum number of working hours per week is 30 (Directorate of Immigration 2012: section 3.3.3 para.1). On this regards, au-pairs acknowledge what happens in practice and in which type of work they are involved. In terms of working hours, one the au-pair response is:

*"P1: hmm (...) I worked for some months more than 30 hours (...) the last month also, but I will get paid for the extra hours, which is good for me. In the beginning my host father didn't read the contract... and he was based on what his friends did with the au-pairs and didn't pay me, now I am payed."*

The au pair cannot work more than 30 hours per week, not even for extra pay (Directorate of Immigration 2015: section 10) (Norwegian People's Aid: Day life and work: point 1). The other participants proclaims:

*"P2: I don't think I work more than 30 hours, one day is more one day is less but maybe 32 hours, so not so much and I don't mind!"*

*P3: Yes, if the mom is away is a lot of work to do and take care of the kids. With this family, sometimes, yes I work more than 30 hours.*

*P4: I don't think so and it is hard to count it. When parents stay at home (...) I clean and prepare breakfast, and every day I do one hour household. Later, I have to do dinner and also do some grocery shops. It's fifty-fifty, so every day is different. So, some days I have not to do so much. But*

*my host mother travels a lot so I work more intense but they really care that I have my resting time."*

This a repeated phrase from the participants, where they would work more than the boundary hours of the contract and they will justify it simply by stating: *"I don't mind it"*. This statement shows a satisfaction from working more than the working hours that the contract settles, opens the question if the au-pairs should be allowed to work more and even get rewarded monetary from their host families. Thus, looking at the migration theories, they persist on investments on the human capital therefore, they would work more than the boundary working hours. They are interested on investing on the human capital.

Through the statement of this participant the working hours can vary, one week more and one week less and in this way it can get compensated. Also, the au-pair in this case justifies the family if she is supposed to say that is working more by saying that: *"they do care for me that I have my resting time."*

The last case interviewed says:

*"P5: I work 6 hours in 5 days. I don't know (...) I am not sure what work is. I think sometimes is more and sometimes is less. I think (...) because I am not doing the usual au-pair work, I think I am working more.*

*I: Why are you not doing the usual work? P5: I am in this farm as I said and for example we don't have heating downstairs, we just have ovens. Because of this I have mostly to cut woods now and I don't know how many tons it might be, maybe 5 or 6 tons. This has been since 3 days now and I don't think this is an au-pair work. So, I am more like a farmer helper there.*

*I: Are you taking care of kids also? P5: Yes, but they are 7 and 13. The first kid lives with us but the second one is from the first marriage and he comes once in two weeks in our place. I like being with him as we do home works together and he has to learn German at the school so, I help him with studying. I wake up quite early and prepare breakfast for the kids, take the little boy at the school and then be back home, as we have hens and I have to take care of the hens. I have to clean their place and fill the buckets for the horses sometimes.*

*I: So, you do a lot of farming work? P5: Yes, I do more farming work than kids work.*

*I: So, did it happened to work more than 30 hours a week? P5: Yes, I think so."*

This case shows not only that the au-pair has been working more than the limited hours, which is 5 hours per day and 30 hours a week, but also doing a type of work that is not entitled to do. The tasks can include light housework, childminding and looking after pets (dogs, cats etc.). Farm work is not permitted (Directorate of Immigration 2012: section 3.3.4 para.2) Obviously, the contract has been one more time been violated. In the cases of the EU au-pairs, where the host family regularly breaches the contract they can inform the police or contact the Au-pair center (Norwegian People's Aid 2015). The fact that the au-pair has been working more than 30 hours and the type of work is not part of the au-pair contract. Thus, it is difficult for the au-pair to exercise and punish the forced labor as in the shown case. According to a regulation that was introduced on 1<sup>st</sup> of May 2013 breaching of the au-pair contract, can sent the host families can in the quarantine as a punishment of the violation of the contract. The quarantine scheme though, cannot be applied for the EU au-pairs as they do not apply for a VISA to enter in Norway and the quarantine places host families in a black list where they cannot host au-pairs. It became possible to place a quarantine on host families on 01.07.2013. Although, to consider placing a quarantine au pairs must report their host families. Reports against host families are not registered in the database though and it is difficult to keep track of this matters and from July 2013-March 2015 UDI have received reports almost 25 host families against and so far have been put into quarantine only 4 host families (Helen Sandal advisor at UDI May 5th 2015).

The interviewed participants, claim that they do have a day off per week but one of the girls says that even when she is not home, she feels being on a duty because if the family calls her for work that's her priority. Apart from weekly holidays, they are entitled with yearly holidays, at least 25 working days' holiday per calendar year in accordance with the Holidays Act. Even if an au pair has not been an au pair for the whole calendar year, but started working for the host family no later than 30 September, he/she is entitled to full holidays. If an au pair starts working after 30 September, he/she is entitled to six working days' holiday. The same applies if an au pair changes host families, provided that the au pair can document that he/she did not take holidays while working for the previous host family (Directorate of Immigration 2012: section 3.3.3 para.3).

## 5.5 Summary

In an overall view in this target group, the au-pair scheme is considered to be an experience to know about a new country, learn Norwegian, gain more independence and in future or short plans they would like to come back in Norway after this experience, as students or just visitors. In terms of the host family, they think that is quite important to have a good host family, as it is the place where you live and work in the same time.

Only for one of the au-pairs was her second experience, while previously finished one year in Ireland, and then decided to come as an au-pair again in Norway.

In their stay in Norway four of the au-pairs did not have to change their host families. Just one of them, had to change two families in Norway until established an understating relationship with the current third family.

The provided answers, refer to a micro-economic perspective the relaxation of the assumption of perfect foresight and introducing uncertainty as well as acknowledging that migration is always associated with some costs, the individual migration decision could be seen as an investment decision under uncertainty (OECD 2001: 65). Also, this approach as it was mentioned above focuses on the individual maximisation of the human capital, and in this perspective the au-pairs of this section focus mostly on the maximising their investments not in a monetary way but in the knowledge of learning a new language or gaining experience by living alone and independent. Thus implications of micro economic theory are present. Also, in the case observed the macro economic elements were found as well.

The networking theory, is not applied in this group as they did not rely on social networks. Furthermore, the EU au-pairs if they would like to stay longer in the country they do not have obstacle as they do benefit from the directive of freedom of movement.

## 6. The motivations of non EU-au pairs

In this group have been interviewed 9 current and 2 former au-pairs, mainly from Asia, South America and East of Europe. The average age of the non- EU au-pairs is about 25 years old. In terms of education, they do all have a high education like a bachelor degree, in different fields. Also, they do all have a contract, signed from both parties (host family and the au-pair) whereas, is a must for the appliance of the residence permit.

In terms of motivations the participants answer as follows:

*“P1: I didn't have a job so, than I applied for an au-pair. I have been an au-pair in Denmark and I would like to travel and it's a good option to go to other countries. If you travel from my country is very expensive and I really would like to travel everywhere. I enjoy staying in Denmark and why not go in Norway. My brother in law was an au-pair in the last year in Denmark and he helped me to find the au-pair programme. “*

In this case there are elements of macro, micro and networking theories that can explain the behavior of this participant. As the macro-economic model of migration refers to the pull-push factors between countries, the participant states that actually was not having a job so that was a reason of the push-side, whereas in Norway an au-pair experience replaces an unemployment. Also, the person has the implication of the micro-economic elements as this experience maximizes her own benefits which is travelling in this case. In addition, networking played an important role as she could rely on her relatives to come in Denmark. Furthermore, I will look at the answers of other participants which all these cases have been as au-pairs in other countries before coming to Norway.

*“P2: I choose Norway after Denmark, I didn't have job and for me is (...) the au-pair is working but the half time you also learn. My sister did the au-pair in Denmark. First I was in Denmark and Holland. In Norway now I am staying with the second family.”*

In this case, the au-pair has already experienced au-pairing in Denmark and she decided to come next to Norway. The first country as an au-pair was in Denmark, through networking ties as her sister was already in Denmark. She has been also in Holland as an au-pair. Looking at this information, the reason of not having a job in her home countries makes her continuing her au-



pairing in different countries. In her viewpoint, au-pairing is mostly work, but has a combination with cultural exchange elements as well. In the frame of migration theories, the networking theory can explain her au-pairing in Denmark. In this way, she could avoid the costs of risking as a single individual. Although, it is not directly stated the economic aspect, the fact that she did not have a job and au-pairing is also work, the macro-economic aspects are indirectly visible.

*“P3: This is the third time as an au-pair. In Holland and Denmark and now here...and this is the only family I had and I didn’t need to change the family. The au-pair is a cultural exchange as my host family really help me to integrate and they allow me to go and they inform me for cultural event.*

In this other case, the au-pairing seems different. She looks at this experience as a cultural exchange and through this she would like to invest on her human capital as micro-economic migration theories would further explain. Although, the cultural exchange part has been explicitly defined the fact of having the au-pairing as her third experience gives grounded reasoning that there the return in the home-country has not been considered. Thus, it is questionable if the cultural exchange is the only motivation for keeping changing countries under the au-pair scheme.

*“P4: I wanted to see places and to learn languages and to make difference...Not my first au-pair: I have been in Germany and Denmark but in Norway this is my first family.”*

This participant is a similar case to the further up case, where emphasis the cultural exchange aspect but has been having already two other au-pairing experiences. This fact gives the information that the au-pair does not consider returning in their home countries and also Norway has a larger age limit as it is 30 years old.

*P5: I am here for a life experience and it’s very cheap to travel and I am really interested on cultural of the country and I am not in so much in superficial things. I like to travel with a low budget and I like it and makes me to get into this and to explore local cultural. I have been already an au-pair in the Netherlands.”*

*“P6: I came to Norway as I wanted to learn languages and to see the beauty of Norway. I have already au-pair experience in another country. Au-pair is a combination of both a cultural exchange and working.”*

*“P7: Firstly I was an au-pair in the Netherlands and then in Norway as there are good chances to become a nurse and I searched on internet and found a blogger of someone who wrote for her experience how to become a nurse in Norway, the license if it is equivalent to a Norwegian system.”*

*“P 8: I was au-pair in Switzerland and didn't want to go home so I searched for another country and I liked Norway as it's more different and exotic, has good jobs for nurses also. For me is both cultural exchange and work and when the host family is nice I also work more than 30 hours. “*

Looking at the answers of the au-pairs they do come as au-pairs as they would like to learn new languages and integrate on other cultural. The fact, that they have been already au-pairs in other countries says that they do not apply in practice the au-pair scheme as a cultural exchange and then returning but as a channel to move to another country as in this case is Norway. Looking at the migration theories, there are features of macro, micro and networking migration theories.

*“P9: This is my first time as an au-pair but this is the second family. Because my first family was a single mother and 2 kids, we had good communication and was very nice but she couldn't pay anymore so it was good for us that I had to change the family. She treated me like a family and I never felt I was an outsider but in the family I am now not (...)”*

*“P 10: I choose to come as an au-pair and for a cultural exchange and of families ties, my sister is living in Trondheim. During the week I feel I am working and in the weekend is more a cultural exchange. This is my first time as an au-pair.”*

One of the interview cases has been exploited and she tells that:

*P11: I came here as someone sponsored me to come here. This is not the family I came from. In one house we were two au-pairs and our routine was to start our work from 7.30 till 19.30. We have to make breakfast, give vitamins, and Monday we have to change everything every toilet and after this we start the laundry and every day we have to vacuumed and mopping. Every day on 2 a 'clock one have to iron in the house. Every day we have to cook five dishes.”*

This is an exploited case of the au-pairs and this case have been even sent to the court. In the court though, the host family have been charged only for the fact that they have been hiring two au-pairs not for the abuse that they have constantly been doing on the au-pairs. The case is still under

investigation from the police and the court. In this case, the au-pair was in precarious situation but had very few chances to leave the host family as she told. Furthermore, this case is presented in the next section.

Apart from this, all the au-pairs were asked if they did send money back home and 9 of them confirmed they did, while the rest of 2 did not. Thus economic implications are evolved whereas through the au-pair scheme they do send remittances in the household.

Motivations that the non EU-citizens list are as follows:

**-economic implications:** this has not been explicitly stated from participants but they keep changing the countries as au-pairs as they would not like to go back on their home countries. Also, the fact they do support their families back home it emphasizes the employment and economic perspective.

**-cultural exchange:** this is a good scheme for learning a new language and travelling.

**-networking:** some of the au-pairs had connections and a strong network as they moved from one place to another as au-pairs.

### **6.1 Non-EU au-pairs, work or in cultural exchange?**

In the perspective if the au-pair experience for them is perceived as work or cultural exchange, the answers are similarly as the EU au-pairs. There is a mixed of responses and it cannot be clearly explained if the citizenship has a role on defining the au-pair scheme rather as work or cultural exchange. An au-pair says: *“Its cultural exchange, I am learning a lot”* but on the other hand another au-pair claims that: *“for me is... working but maybe the half is cultural exchange.”* In similar ways have other au-pairs answers, where they see their experiences as work or as cultural exchange. There are cases where the au-pair would look at the scheme as purely as a cultural exchange as it was said: *“The au-pair is a cultural exchange as my host family really helps me to integrate and they allow me to go and they inform me for cultural event.”* Therefore this other participant frames the au-pairing as a cultural exchange.

Another interesting answer has been provided from another au-pair where she has been changing two different families and states that: *“In this second family it is working and not a cultural exchange.”* Thus also in this perspective the dependency of the au-pairs and host families is very strong and it has an important role.

## **6.2 Working conditions for non-EU au-pairs**

The working condition for the non-EU au-pairs referring to the regulation has the same restrictions as the EU au-pairs where they should not work more than 30 hours per week and their work should consist on the child minding activities. Nevertheless, the EU au-pairs are allowed to work for several employers and can freely change the host families that is not the case of the non-EU au-pairs. As they are strongly tied on the host family and their residence card is issued depending on a single employer which in this case is the host family. In this part I will bring the cases that have been facing problems during their experiences that need to be addressed in order to improve their situation. The first participant that had to face problems during her au-pair experience explains:

*“P1: I changed the family in Bergen...it was a worse experience and it was a single mother with one child. I didn't feel that I was part of the family and she treated me like a slave and she did me a lot of question. The first three days and came in my room and said you have to do clothes like this and that; I said to her look; this is not allowed because this is my room and this is private ....but she said this is my house and that why I thought she is not the kinda of person that I wanna stay with. So, she has a bad attitude and from my experience in Denmark and Holland it was not like this. She asked me to clean the garden; but I didn't know how to do this and she screamed to me and very angry”*

In this case, the person have been asked to do gardening work which is not part of the au-pair working conditions contract. Nevertheless, the au-pair has been committed to do this task but as a reward it has been a threat from the host mother.

*“...she just wants to be in her bed and she wants to be as a princess and she wants everything in her room. So, she wanted food in her room and stay in the bed. Only screaming at me...so, I was very scared of her. If I was playing with the kid she was all the time annoyed and this was my worst experience and I got a lot of stress all the time.”*

This au-pair have been exploited where her privacy has not been respected and also she has been treating as a slave as she also tells, instead of as a member of the family as the au-pair contract requires to do so. Later on, she changed the host family but had to face many financial obstacles as the renewal of the residence permit and the travelling to Oslo.

Under this group, I have interviewed another au-pairs that tell about her working experiences and states that:

*“P2: I do mostly cooking and bring the kids to Barnehave. The contract I know my rights and I am very strict with my rights...so, I balance it with the weeks even if I work 1 week ...but if the kids are at home of course I work more than 30 hours but I don't mind but because sometimes I have to wake up very early and I need to clean the house this is a problem.*

*For us as from Filipino we have difficult to say no, and sometimes I do thing that I am not supposed to do but because I am very bored and I try to put a limit to myself and go out for a walk but they do not appreciate...”*

According to this case, the au-pair is involved more with the cooking, cleaning and also taking care of the kids. She tells that she is working more than 30 hours, which for her is not the main problem rather than she would have been appreciated for what she is doing. Thus, this au-pair reminds host family to appreciate their work as it has big meaning for them and as the contract requires to treat them as member of the family.

The problem of the other au-pair is according the termination of the contract where she has been fired from the host family in an unexpected notice from the host family.

*“P3: I take care of 3 kids; they are only 2 in the house and I take care more for the youngest one and the oldest is 21 yrs. I got the holidays in the first year...but not this year and the family just terminated my contract. Because, the youngest kid is something different and is not good with me and very angry. After 1 year and 8 months they terminated my contract...( end of April...) I cannot look for a new family, and I am staying with friends and I ask UDI for 4 months and is not possible because is summer also...”*

The host family cannot dismiss the au pair without reasonable grounds. If the au pair so requests the host family shall state the grounds for the dismissal in writing. The au pair has no duty to give

grounds for his/her termination (Directorate of Immigration 2015). In this case, the grounded reasons, seems as the youngest kid was rejecting the au-pair but should this be considered a grounded reason when the au-pair have been caring for him for 1 year and 8 months?.

Thus, I would suggest that the termination of the contract should be better regulated and the grounded reason should be analyzed to terminate the au-pair contract as they end up in dangerous situation, whereas sometimes they have neither the possibility to travel back in the home-country.

In this situation the au-pair says that: *“I am very lucky that I have found a friend and offered me I can stay with her. They said you don’t have to pay anything; but still I don’t feel good. I just wanted to protect their child and we have this agreement ...we terminated like this.”*

In this case the au-pair have found a solution through networking as a friend of her have helped to come out of this situation but if this would not have been possible, the situation of the au-pair would have been in danger.

*“P4: In one house we are two au-pairs and our routine was to start our work from 7.30 till 12 and we had lunch break till 2 and then till 7.30. We have to make breakfast, give vitamins, and on Monday we have to change everything every toilet and after this we start the laundry and every day we have to vacuum and mopping. Every day on 2 a ’clock one have to iron in the house. Every day we had to cook five dishes: meat, fish, noodles; rice and pasta. The host family have two dogs and 3 children and in the basement they have 10 rooms. Winter clothes, laundry, wine, cool room and they have also a storage. They hired two au-pairs and used another family and the one. No, I worked more 5hrs like 10 hours or 12....I finished my contract and I stayed like this for 2 years.”*

In this case it has been abuse of the au-pair and their rights and the contract. The host family isolated the au-pair and they did not know how to escape from this situation for about two years. This case is under the court judgement and insofar the host family have been blamed only for hosting two au-pairs.

*“...I don’t know the rules, I am new here. I also don’t why there is different names; I came here work; I asked one day and why I am here working and this woman said: I hate rules of Norway this is my rules and I had two choices and to find another job was very difficult.”*

The au-pair, as it was in an isolated environment did not know where to look for help, and how to get out of the situation. Apart from this isolation that the au-pair have been going through, her privacy was under control as well where she says that:

*“--I lived in the house full of camera. At least in my room not but on the way go in the room on the hallway. One time they went for vacation to hire another au-pair again, I am shocked that she (the host mother) said how many hours I am working on the house, so you have worked only 7 hours so she took my money or I had to work it. I was really shocked how she knew it and she recorded”.*

This case shows how the incoming au-pair from far away country should have a preparatory meeting before they join the host families as in this way they can protect their self and know the rules about the host country they are staying.

### **6.3 Summary**

There has been noticed violation of the contract in different angles which have been presented. It is noted that in the 11 cases observed, just 2 of the girls have the au-pair experience for the first time. The other 9 girls, have been previously as au-pairs in other countries like: Holland, Denmark, Sweden or Switzerland. The contract does not allow the ones that have children to go as au-pairs but when the participants where asked about this, they said personally they do not have children but they do know others, that they have kids in the home countries but is kept secret. Even if, one of the informants in this target group has children in the home country and according to for her this is the reason to go as an au-pair. Through the au-pair scheme she can support economically the education of her child and other financial needs that she can provide only by being away of her child. In this case has been showed the implication of the household migration theory. In this target group have been present elements of the macro-economic, micro-economic, household and networking migration theories.





## **7. Conclusion and further recommendation**

After the presentation of the interviews and the gathered information it is significant to present a comparison part of the au-pairs scheme and the experiences of the au-pairs. It is important to notice that scheme has been applied similarly in a certain degree to both groups but the legal framework changes in terms of the citizenship. In this part I will mainly draw main differences that are found in this study as follows:

### *Duration of stay:*

EU citizens do have benefits from the freedom of movement and they do not have to apply for a residence permit, whereas the non-EU citizens do have to apply for a residence. This brings the difference on the time frame work where EU citizens can stay in the country as long as they would like to stay while the non-EU citizens are limited to a 2 year residence in Norway. In terms of permanent residence, the non-EU au-pair stay is not counted whereas the EU citizen can count on these years of stay. As the purpose of the au-pair scheme is cultural exchange and au-pairs learn a lot about Norway and the language this should be counted for the non-EU au-pairs permanent residence permit.

### *Dependency*

Both groups acknowledge the dependency on the host family but the EU group of the au-pairs recognize this dependency with the goal of the cultural exchange and being part of the family while non-EU au-pairs are strongly dependent on the host family as they do lose their residence on the country. In this perspective both groups have a strong dependency on the host family in terms of the social networks and economic terms (Stubberud 2015). Non-EU citizens have to apply for a new residence if they would change the host family where, EU citizens are not required to this. Therefore, I would recommend that the change of the host family should not require additional costs to avoid abuse of the non-EU au-pairs.

## *Children*

In the UDI requirements for the non-EU au-pairs is explicitly stated that to eligible for an au-pair: “*you cannot have any children on your own*”. On the other hand, for the EU au-pairs this regulation is not found explicitly in any of the agreement (Directorate of Immigration 2015). This is openly a discrimination regulation towards the non-EU au-pairs, to avoid this I would recommend to be an equal treatment under same conditions for both groups. In order to recommend if there should be allowed or not for au-pairs to have children, it is necessary to conduct a study in this topic.

## *Rights and obligations*

In the perspective of rights and obligations the regulations treats these two groups unequally. At first non-EU au-pairs cannot enter Norway before they have been granted the residence permit, the permit is limited to two years, this period of time is not counted if they would like to apply for a permanent residence permit, and their families cannot apply for family migration. Another obligation of the non-EU au-pairs is that they must be likely that they will return to their home countries at the end of their stay in Norway, and the circumstances in the home country must also indicate that they can return (Norwegian Directorate of Immigration 2015b).

The opposite happens with the EU au-pairs where in terms of rights of obligations is listed that they can freely change host family or job, and can have one or several employers. Their stay as au-pairs in Norway is counted and after five years in Norway, they can be granted the permanent right of residence (Norwegian Directorate of Immigration 2015a).

Similarities found is that, although both of the groups have the intention of a cultural exchange they do work more than the contract addresses. Furthermore, they do other type of work that is not prescribed in the contract between the au-pair and the host family. In the contract for cultural exchange between au pair and host family is stated that: “*Working hours must normally not exceed five hours per day. The au pair cannot work more than 30 hours per week, not even for extra pay. The au pair cannot do tasks that are not related to the host family’s home. Work for other employers or individuals (paid or unpaid) is illegal for the au pair and for those who get the work done. Illegal work can lead to imprisonment or fines in addition to the au pair permit being revoked*”(Directorate of Immigration 2015) .

The main research question raised in this study is how does the au-pair scheme applies to the EU and non-EU citizens in Norway and therefore, it has been investigated if the citizenship influences the au-pair scheme. The study showed that the citizenship affects the scheme in terms of the regulations where EU au-pairs profit from the freedom of movement, and therefore they are not very tied with the host family. Their stay in Norway is not depended only on the au-pair scheme. While the non-EU au-pairs are strongly depending on the residence permit, as it is regulated in the Immigration Act Section 26.

Although, of this restriction it is noticed that the non-EU au-pairs of this study have been au-pairs in other countries. The European au-pairs, have had this as their first experience most of the time.

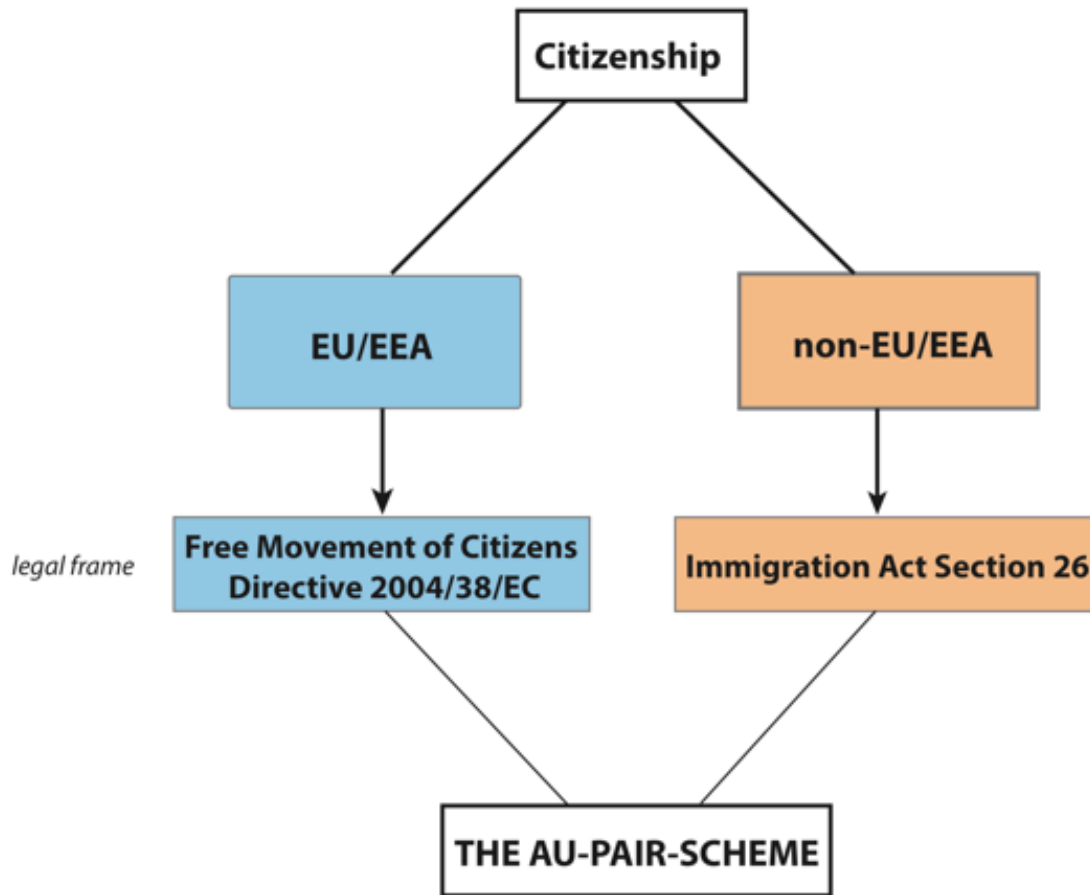
The difference also, are on the part that for non-EU au-pairs are more economical costs for registration and every time that they change a new family they should register for the second time. This changes have affected on the way how the au-pairs look at their future plans where some of them would like to stay but for them is more difficult. While for the European au-pairs it is easier to prolongation of their stay.

Although of the foreseen restrictions and provisions that non-European au-pairs have, these obstacles have not stopped their movement as au-pairs from one country to another. Also, it is important to notice that the working hours and the au-pair scheme in itself does not change in practice according to the citizenship. The au-pairs in both groups have been working more than 30 hours and it has been noticed that both of them perceive the scheme as a mixture of work and culture exchange. In this perspective, the au-pair scheme in practice faces similar problems where it comes to the working hours and the features of work or culture-exchange.

The main difference depending on citizenship stands on the legal frame work that applies to the au-pairs and how the au-pair scheme has been explained from regulations. This is related to the movement and the duration of stay of au-pairs in dependency ties with citizenship.

Also, another expected result before conducting this study was that the non-EU au-pairs would use the scheme for work purposes and the EU au-pairs for cultural exchange but in practice is a combination of both features for both groups.

Although, this study is limited to make a generalization, in the interviewed cases the non-EU au-pairs the majority do send money back home from the au-pair salary while this is not the case for the EU au-pairs. Clearly, this is a major difference between these two groups.



*Table 3*

Table 3 illustrates the core concepts that have been examined in this study namely: citizenship, the legal frame work and the au-pair scheme. The table shows that from citizenship derives mainly two groups as: EU and non-EU citizen. From this derivation outcomes the linkage of legal frame work separately, whereas to EU citizens applies the Free Movement of Citizens Directive 2004/38/EC and to non-EU citizens Immigration Act Section 26 of Norway. Therefore, these two groups follow a separate legal path to participate in the au-pair scheme. Thus, citizenship is strongly tied with the legal frame-work in applying the au-pair scheme.

## **7.1 Recommendation for future research**

In this study I noticed that there are other challenges that the au-pairs face for both groups and I would recommend:

- What is the situation of the European au-pairs in Norway and how do they integrate in the Norwegian society?
- Also, there is still some necessary research on the taxes that the au-pairs pay in Norway while they are not considered workers and they are in a cultural exchange. How should this be explained?
- What are the main channels and ties that non-EU au-pairs extend their stay in Norway after their residence has been expired?
- What challenges EU and non-EU au-pairs have to overcome after the au-pair programme?



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## APPENDIX

### Interview frame

#### CONFIDENTIALITY STATEMENT

In this statement I declare to understand my role as an interviewer for the research of my Master Thesis on: “Au Pair rights are human rights” of the Department of Noragric, Norwegian University of Life Sciences. I declare to keep the information agreed upon confidential unless it has been public or it has been agreed by both parties in advance that it could be exposed.

I agree to use this information confidentially only for my research and will not expose without the approval of the informant.

Name of Informant: \_\_\_\_\_ Signature: \_\_\_\_\_

Name of Student: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

#### Interview

##### Standard questions

Origin of the country:

Age:

Education:

Have children or no back in the home country?

How long has been in Norway?

##### Yes and No questions:

Do you have a contract?

Do you think you work more hours that is written in the contract? In the contract is 5hrs per day.  
You think you work more than that?

Have it ever happened that you work more than 30 hrs per week?

Do you have one day off per week?

**Elaborative questions**

Why did you decided to do become an au-pair...and why Norway?

Do you consider this year working or cultural exchange year?

What type of work do you mostly at your host family?

What about holidays? Have you taken holidays and do you know your rights about having holidays? (25 days)

Do you attend Norwegian classes and do you have time for that?

What about religion? Are you religious and is this respected?

Have you ever worked during the night?

Do you have a detailed overview of a normal working week from your host family? Working hours and tasks?

Does your host family pays the expenses of travelling to Norwegian class?

Would you like to stay longer in Norway?

Are you satisfied with the au-pair scheme? Would you recommend to someone else to do the same experience?



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