

CASE EXAMPLES OF EXPLOITATION OF AU PAIRS

CASE 1: Paola (pseudonym) paid \$3,000 to a recruiter at her university in Colombia to participate in the U.S. au pair program. She arrived with hopes of bonding with her host family, improving her English skills towards her goal of becoming a certified English teacher back in Colombia one day, and earning money to support her family back home. Within a month of her arrival, Paola found herself working 60-75 hours per week – during the day – and, moreover, the one solely responsible for waking up 4 to 6 times a night to feed and soothe the colicky infant, six nights per week. For her labor, she was paid less than half of what she was entitled under U.S. minimum wage laws. Paola felt compelled to stay with the host family because of her need to recoup the recruitment fee and to earn some money to send home to her family. She also remained because, as the infant’s primary caregiver, she felt she could not abandon the infant. It was only after Paola was diagnosed by an emergency room doctor with extreme exhaustion while accompanying her host family on their vacation that Paola finally left the family.

Paola reported her mistreatment to the au pair agency, specifically requesting that the family be removed from the program. However, the agency informed Paola that she was as guilty as the host family for violating the au pair regulations (due to excessive work hours), and therefore removing the host family would also require removing Paola from the program. The au pair agency furthermore threatened to immediately terminate Paola’s visa if she were to file a complaint with the State Department. Concerned about possible retaliation by the recruiter in Colombia if Paola were to file a claim with the State Department – and also because the State Department explicitly disclaimed any ability to prevent the au pair agency from terminating Paola’s visa in retaliation for the complaint – Paola ultimately decided to forgo filing her complaint. With the help of an anti-trafficking advocate, Paola pursued – and ultimately settled – a civil lawsuit against the host family for the approximately \$12,000 the family owed her in unpaid back wages under the Fair Labor Standards Act. The au pair agency has since permitted Paola’s host family to host two more au pairs from Colombia.

CASE 2: Wen paid \$1,500 to a recruiter in Thailand to participate in the U.S. au pair program. Wen was placed with a host family who also employed another au pair. Wen worked 16 hour days, for a total of 65 to 70 hours per week. In addition to caring for the host family’s two children, Wen was responsible for cleaning the entire house, doing the entire family’s laundry, grocery shopping, and cooking meals for the entire family and their houseguests. During the family’s vacation, Wen was responsible for taking care of the children 24 hours per day. During her time off, Wen was often asked to return to the house to “help” the family clean or care for the kids. The host family prohibited Wen from eating any of the host family’s food, expecting her to use her stipend to purchase her own food. Wen was also prohibited from using the host family’s washing machine for her own clothes. The host family monitored Wen phone calls and checked her voicemails. The other au pair received the same treatment.

Wen emailed and phoned the au pair agency's Area Director to complain, but received no response for a month. During that month, Wen also contacted her recruiter back in Thailand, who told her that finding a new host family would likely be impossible since Wen only had seven months left on her visa. A friend of Wen's contacted the State Department on Wen's behalf to complain about the situation, only to be told that it was a busy time of year and that they focused more on immediate physical and sexual abuse problems. Wen's friend then contacted the headquarters of the au pair agency, and after the agency did not respond, her friend contacted the Area Director's supervisor. The Area Director finally returned Wen's phone call, explaining that her phone had been broken for a month. The Area Director unsuccessfully attempted to mediate the dispute, and Wen (and the other au pair) requested a rematch. The au pair agency informed Wen and the other au pair that the host family would be permitted to remain in the program, despite the abuses. Unable (or unwilling) to find a new host family for Wen, the au pair agency informed Wen that she would either have to stay with the abusive host family or return to Thailand immediately.

Shortly after returning to Thailand, Wen filed a complaint with the State Department. Reviewing Wen's status in the SEVIS database, the State Department discovered that the au pair agency had wrongly designated Wen "terminated" rather than "inactive," thus compromising Wen's ability to obtain a visa in the future to return to the United States. Four months after Wen left the United States, she learned from her au pair friends remaining in the U.S. that Wen's host family had been provided two new au pairs (from China and Thailand) and that three weeks into their placement, they had not been permitted a single day off.

CASE 3: Maria's local recruiter in Colombia demanded that Maria pay \$1,500 in recruitment fees -- the equivalent of three months' salary in Colombia for a recent college graduate. A friend of Maria's in the United States contacted the U.S.-based au pair agency to complain about the local recruiter's fees, after which the agency convinced the local recruiter to reduce the fee to \$500. Upon Maria's arrival, her host family informed Maria that she was expected to work additional 60 hours per week, for which the host family would pay her \$6 per hour for the 15 hours above the 45 hour limit. The host family also informed Maria that, in addition to providing over-full-time childcare, Maria would be responsible for cleaning the house. Maria complained that these demands violated the rules of the au pair program, and opted to leave the host family. Maria later met the host family's replacement au pair, a young woman from China. The Chinese au pair informed Maria that she had been required to pay \$5,000 by a local recruiter to participate in the program, and as a result, felt she had no choice but to stay with the host family despite the long hours, in order to recoup the fee.

CASE 4: Marcela (pseudonym) borrowed \$2,500, with interest, for passport and visa expenses, a plane ticket, and fees for both the recruiter and the agency to become an au pair in the United States. She was told that she would provide childcare for the host family for 45 hours per week, earn \$200 per week, and take English classes. The mother promised Marcel additional wages for the extra hours she worked. This family had four children, and one of the children was aggressive/violent, another was challenged with autism. After the family refused to honor the extra wages promised and address ongoing problems with the children (including assault), she reported the issues to the au pair agency. Instead of placing her with a new family, the agency bought her a ticket home. Marcela, in debt, could not return empty handed to her home country. The agency's lack of response to the root of the problem caused her desperately to look elsewhere for assistance. She called the TIP hotline and connected with a worker rights center. She now remains in the U.S. and is looking for justice for the exploitation she suffered.