

AU PAIRS' EMPLOYERS RUN AFOUL OF ALIENS LAW - Correction Appended

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 **Correction Appended**

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Body

After Jayne Kraman's third child, Max, came along two years ago she was desperate for a mother's helper, so she hired a live-in au pair from West Germany. The young woman came on a tourist visa, meaning it was illegal for her to work here, but not for Mrs. Kraman, a freelance writer who lives in Brooklyn, to employ her.

But starting June 1, under the new immigration law, Mrs. Kraman and her husband, Richard, along with millions of other people who rely on foreigners to mind their children, clean their houses or cook their meals, will risk fines ranging up to \$10,000 if they hire aliens who lack work authorizations.

For now, Mrs. Kraman has an American live-in helper from Oregon, but she is angry because she is no longer able to get foreign help. "I cannot afford to pay someone \$250 a week to live in," she said. "Au pairs are affordable, and there is cultural exchange."

In a provision that was little noticed when the immigration law was approved last year, the legislation promises to create a painful clash between demands for tighter immigration control and the new realities of American middle-class life, in which working wives and single parents have become the norm.

Wealthy people have always been able to afford legal foreign help, such as professionally trained nannies from Britain. But increasingly in recent years, families of more modest means have depended on these British, Irish, German, French and Scandinavian au pairs, as well as Spanish-speaking maids from Mexico and Central and South America to care for their children and households. Many of these workers entered the country illegally, but the European au pairs are typically young women who are here legally on tourist visas but not authorized to work during their stay. The French term au pair means as an equal.

Federal officials say there is no way of knowing how many au pairs there are in this country. But agents who place these people in jobs say there are certainly tens of thousands of them, if not hundreds of thousands. They are usually middle-class Europeans who want to spend a year in the United States in exchange for providing child care. They work in return for room, board and, in most cases, spending money.

Price of Legal Help Rises

"You can't get Americans for \$150 a week," said Betty Richardson, proprietor of Betty's Nannies, a Houston-based recruitment agency that places au pairs nationwide. "If they took all the unauthorized nannies away we'd all come to a screeching halt."

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Although it is not certain how strictly the penalties for hiring unauthorized household workers will be enforced, the new law is already affecting the market for domestic help. The price of legal help has increased to about \$300 a week in New York and other cities.

Thus the law is likely to exacerbate an already desperate child-care problem for many working couples. An early version of the bill permitted an exception for employers of three or fewer illegal aliens, but the final law permits none.

Penalties Up to \$10,000

Beginning June 1, both employers and employment agencies will receive warnings the first time they are found to have hired an illegal alien knowingly. After that, they face civil fines of from \$250 to \$2,000 for each alien on the first violation, \$2,000 to \$5,000 for the second and \$3,000 to \$10,000 for further violations. In addition, those convicted of a larger "pattern and practice" of violating the law face criminal fines of up to \$3,000 per alien and imprisonment for up to six months.

The penalties apply only for newly hired illegal aliens, not for those hired before President Reagan signed the immigration law last Nov. 6. People who already employed an illegal au pair may continue to employ that person but may not hire another one.

While it is unclear how strictly the Immigration and Naturalization Service will be able to enforce the law on individual families, employment agents say they are certain to be targeted. "A lot of the smaller agencies will go out of business," said David Wexler, former president of the Household Agencies and Nurses Registry Association in New York. "With the fines and the jail sentences, it just doesn't pay."

The matter is further complicated by sensitive considerations of social class and race, since most of the Americans available for this work come from minority groups. According to Ms. Richardson of Houston, her clients prefer young European women of similar middle-class background to look after their children.

Looking for 'Qualified Clones'

"They want qualified clones of themselves," she said. She and other agents want Congress to restore the exemption for small employers.

But the new law has given a boost to a fledgling domestic nanny industry that is trying to produce a corps of home-grown Mary Poppinses to supply a distictively American market.

"Most Americans cannot afford to pay \$250 to \$350 per week for live-in child care help," observes the current issue of The National Nanny Newsletter. "Despite good pay, many young American women do not want to take nanny jobs because they view in-home child care as domestic employment and lower status than that of a 'teacher' in a private preschool working for minimum wage."

Deborah Davis, the publisher of the newsletter, who operates a referral service in Chicago, says there are 20 to 40 clients for every available nanny.

In the past the only risk in employing an au pair was that the helper could be picked up by the Immigration and Naturalization Service and deported, but the employer was not liable legally.

Ellen Campbell, a Chicago investment banker, and her husband Ray, a lawyer, spent five months looking for a live-in helper to take care of their 20-month-old daughter. They say they found the foreign applicants better qualified and would have hired one of the experienced European candidates had not Ms. Richardson found a young American to do the job. The couple said they much preferred legal help.

"It got kind of depressing after a while," Mr. Campbell said. "You don't want to gamble with your kid. There's really no alternative to a live-in. There are times when both of us have to work real late."

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It can be costly. Pat Villareal and her husband, Tom Leatherbury, both lawyers in Dallas, say they pay double the going rate for au pairs for a trained legal nanny, Lynn Moeller, who not only cares for their children, Collin, 8 months old, and Sean, 3, but also helps manage the household.

'You Take the Risk'

The Kramans in Brooklyn say they were pleased with their German au pair. "I hesitated because it was basically illegal," Mrs. Kraman said. "I had mixed emotions, both for me and for her. I didn't want her to be liable. But you take the risk." It is not clear how great the risk is now under the new law. James Farris, an enforcement officer with the district office of the immigration service in New York, said the agency would probably not put top priority on au pairs.

"The person who wants an illegal maid will probably have a better chance of keeping her than a restaurant hiring illegal dishwashers," he said.

Many of the au pair agencies and parents are resentful over a special new program under which 3,100 foreign au pairs are legally brought to this country each year by a private company, the American Institute for Foreign Study, under a cultural exchange program sponsored by the United States Information Agency and the Experiment in International Living.

Some say the solution is an American nanny industry, and it is growing. But in the meantime many parents see au pairs as the only solution, legal or not.

"We ought to relax the law," said Ms. Davis of Chicago. "I don't see why an au pair visa is such an unreasonable thing," said Mrs. Kraman. "This way they have to sneak in. They are going to come in anyway. I don't see that it is such a liability for the country."

Correction

An article yesterday about the new immigration law discussed implications for the employment of child-care helpers in American households.

It noted that some foreign women on tourist visas were working, illegally, as au pairs.

Betty Richardson, proprietor of

Betty's Nannies, a Houston-based do-mestic recruitment agency, was quoted as saying, "If they took all the unauthorized nannies away we'd all come to a screeching halt."

Ms. Richardson says the article should have specified that her agency places only American nannies, all of whom are legal workers, and no foreign au pairs.

Correction-Date: May 21, 1987, Thursday, Late City Final Edition and May 20, 1987, Wednesday, Late City Final Edition

Graphic

photo of the Leatherbury family with Lynn Moeller (NYT/Mark Perlstein) (page B8); photo of Deborah Davis and her son Toby (NYT/Michael Tweed) (page B8)

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