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What are the ramifications of employing a housekeeper, nanny, or gardener who is not a legal resident?

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This question is one that many may want to know the answer to, but are afraid to ask. Employing illegal household help is not an uncommon occurrence, especially when we realize that one in six domestic employees in Miami-Dade County is in the United States illegally.

What is the harm of employing someone who is not a legal resident to help around my house?

Many people believe that employing someone without legal status as a gardener or household helper benefits both sides. The person here illegally makes the money they desperately need and the employer pays cash and everyone is happy. But let's look a little closer. As an individual homeowner if you employ domestic help and you pay a household employee cash wages of more than the amount specified by law in a tax year, you must withhold social security and Medicare taxes from their wages. And, according to immigration law, anyone employing or contracting with an illegal alien without verifying his work authorization status is guilty of a misdemeanor. As the employer, you are liable to be fined or face other legal consequences. So, it is not as simple as it might seem.

The dilemmas an illegal resident faces.

Regardless of how or why someone is in the United States illegally, they live a "shadow" life that is almost unimaginable to the rest of us. Without proper documentation, even the most common activities of daily life are denied to these persons. Without legal status they cannot get a



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driver's license, have a bank account, sign a lease, use a credit card, travel freely, buy a house, enroll in college, save for retirement, buy life insurance, or even borrow a book from the local library. These people live in dread of being discovered and being deported. The full range of modern-day life that we take for granted is denied them.

What can I do to help my employee?

Often someone who is here as a non-documented alien actually has recourses they are not even aware of. So asking questions is the first step. How long has this person been in the U.S.? Do they have relatives—children, parents, brothers or sisters—that are U.S. citizens? Ten years of physical presence in the United States

may help them to qualify for legal status, particularly if they have children that were born here. Don't be embarrassed to ask. Then consult with a qualified immigration attorney. With expert legal representation, the situation can be assessed and specific legal remedies can be put in place to alleviate the problem. You might be the person who makes the difference in this person's life. Ignoring the problem will only make it worse, as employment violation is actually one of the primary causes of deportation.

U.S. immigration laws are highly complex and there are often a variety of factors that need to be considered before presenting your case to the authorities. As an immigration law specialist, I am constantly researching and keeping up to date on immigration regulations and laws. This allows me to serve you in a professional and effective manner whether you need work visas, family petitions, marriage and fiancé visas, investor visas, asylum, deportation defense or citizenship. For businesses, I can help you establish a U.S. affiliate or subsidiary, transfer employees to the U.S. or facilitate investing in the U.S.

Kurt A. Hermanni is an experienced U.S. immigration lawyer serving individuals and businesses with the practice of immigration law. With offices in Coral Gables, Kurt Hermanni is equipped to successfully handle immigration cases throughout the United States and the world. Please contact him at 786-271-6699 or on the web at <www.legalization-lawyer.com>

With the addition of attorney George Francis, the law offices of Kurt A. Hermanni, P.A., also provides foreclosure defense, loan modifications, and short sale negotiations.