

Immigration Attorney Magdalena Cuprys publishes review of Deportation Defense known as "Withholding of Removal"

Continuing her Instruction Series, Immigration Attorney Magdalena Cuprys examines "Withholding of Removal" in US Immigration Court Removal Proceedings.

MIAMI, FLORIDA, UNITED STATES, October 28, 2018 /EINPresswire.com/ -- In the newest article in the instruction series published by Florida lawyer [Magdalena Cuprys](#), she reviews Withholding of Removal, which is an alternative form of relief for an individual fearing persecution in their country of origin. The complete article will be published in her Blog at <https://magdalenacuprysblog.blogspot.com/>

Generally, applicants file an Application for both Asylum and Withholding of Removal simultaneously on Form I-589. In order to be granted withholding of removal, the applicant must meet a higher standard than that for asylum.

Additionally, withholding can only be granted by an Immigration Judge, not by an Asylum Officer—so only if their case is referred to the Immigration Court from an affirmative application or begins in Removal Proceedings will withholding of removal be available to the individual applicant.



Magdalena Cuprys, Immigration Lawyer in Florida

“

As in asylum law, however, if the individual can show that they suffered persecution in the past, then they benefit from a presumption of a well-founded fear of future persecution”

*Magdalena Cuprys,
Immigration Lawyer*

An applicant has the burden of demonstrating that it is more likely than not that they will face persecution on account of a protected ground if returned to his country of origin. Courts have held that the applicant must show that there is at least a 51% likelihood of suffering future persecution as compared to a likelihood of at least 10% in asylum cases.

As in asylum law, however, if the individual can show that they suffered persecution in the past, then they benefit from a presumption of a well-founded fear of future

persecution. Further, withholding of removal is mandatory if the individual meets the above clear probability test and establishes that he/she is not barred from eligibility as discussed below.

Withholding of removal is not subject to a one-year filing deadline and may be available for applicants who have been convicted of certain crimes that might bar them from asylum. In contrast to asylum, which is a discretionary form of relief, withholding is mandatory if the applicant meets the clear probability test.

An applicant who has won withholding of removal does not receive as many benefits as an individual who is granted Asylum. The individual is eligible to seek work authorization, however, they will not be able to "Adjust Status" to become a Legal Permanent Resident (Green Card holder), nor can they ever become a US Citizen.

Additionally, an individual granted/approved for withholding of removal can never travel internationally, and does not have the ability to petition for derivative status for immediate relatives.

Withholding of removal is NOT available to an applicant who:

1. Has someone who has engaged in persecution of another; or
2. Has been convicted of a particularly serious crime.

An aggravated felony conviction does not automatically bar an applicant from withholding of removal unless he/she received a 5-year or more prison sentence. It doesn't matter whether such sentence was actually imposed or suspended.

[Ms. Cuprys](#) notes that an aggravated felony is presumed to be a "particularly serious crime." Again, other crimes not rising to the level of an aggravated felony may also bar an individual from withholding of removal if found to be particularly serious. Anyone in this situation must always seek the counsel of a qualified Immigration Attorney.

In determining whether a crime is particularly serious, the court will look at:

1. the nature of the crime. For example - was it against a person or property;
2. the circumstances surrounding the crime;
3. the length of the sentence imposed/suspended; and
4. whether the crime indicates that the individual is a danger to the community.

Please note that this article is meant solely to provide information and is not intended as legal advice. Any individual in need of such advice should always consult with qualified Immigration



Magdalena Ewa Cuprys, Immigration Attorney, Florida

Magdalena Ewa Cuprys, Attorney at Law

Magdalena Cuprys is the principal of Serving Immigrants, a full-service immigration law firm offering a complete range of immigration services to both businesses and individuals. The law firm is uniquely qualified to manage the most contentious and unusual immigration needs. Located in Miami and Clewiston, the firm's offices serve corporate and individual clients.

Immigration Attorney Magdalena Cuprys obtains bond for client accused of domestic violence but where facts are in dispute

SEARCH THIS BLOG

Search

PAGES

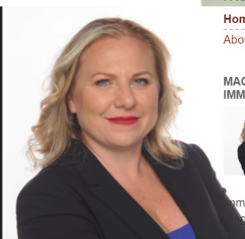
[Home](#)
[About Me](#)

MAGDALENA EWA CUPRYS,
IMMIGRATION ATTORNEY

 **Magdalena Ewa Cuprys**
Miami, Florida, United States

Magdalena Cuprys is the principal of Serving Immigrants, a full-service immigration law firm offering a complete range of immigration services to both businesses and individuals. The law firm is

Magdalena Cuprys received her Juris Doctor from the University of Washington School of Law in 2002. She was admitted to the practice of law in California in 2003 and in Florida in 2006. Before law school, she completed two bachelor's degrees, one in Political Science and one in Latin American Studies, at the University of Chicago in 1999 (AB Degrees Political Science & Latin American Studies from the University of Chicago in 1999). Ms. Cuprys is a member of Kappa Alpha Theta and was Panhellenic President. - She is a Member of the American Immigration Lawyers Association (AILA). Magdalena Cuprys is admitted to the practice of law in Florida and California. She speaks fluent Spanish and Polish, and is conversant in Russian and Italian.



Blog of Immigration Attorney Magdalena Cuprys

Counsel prior to attempting any such applications.

About Magdalena Ewa Cuprys

Magdalena Cuprys is the principal of [Serving Immigrants](http://www.servingimmigrants.com), a full-service immigration law firm offering a complete range of immigration services to both businesses and individuals. The law firm is uniquely qualified to manage the most contentious and unusual immigration needs. Swift resolution of immigration-related issues is integral to a client's ability to conduct business or reach their personal goals in the United States. Located in Miami and Clewiston, the firm's offices provide corporate and individual clients of foreign nationality with temporary work permits for the U.S., green card petitions, criminal waivers and representation in removal proceedings cases. With over a decade of experience, the law firm provides clients with the confidence that their cases will be handled by an expert who understands their needs and how to obtain their goals. Although the majority of the law firm's clients live in Florida, it represents people from all over the United States and several foreign countries.

Website:

<http://www.servingimmigrants.com>

Website: <http://tuabogadadice.com/>

Blog:

<https://magdalenacuprysblog.blogspot.com/>

Attorney Profile: <https://solomonlawguild.com/magdalena-e-cuprys%2C-esq>

Tiffany Ramirez

Cuprys and Associates, Serving Immigrants

+1 305-924-1133

[email us here](#)

Visit us on social media:

[Facebook](#)

[LinkedIn](#)

CUPRYS & ASSOCIATES

Magdalena Ewa Cuprys, Attorney at Law

The Law Firm Cuprys & Associates is a full service, dynamic, and trustworthy law firm that specializes in immigration matters. The law firm is uniquely qualified to manage the most contentious and unusual immigration needs. Swift resolution of immigration-related issues is integral to a client's ability to conduct business or reach their personal goals in the United States. Located in Miami and Clewiston, the firm's offices provide corporate and individual clients of foreign nationality with temporary work permits for the U.S., green card petitions, criminal waivers and representation in removal proceedings cases. With over a decade of experience, the law firm provides clients with the confidence that their cases will be handled by an expert who understands their needs and how to obtain their goals. Although the majority of the law firm's clients live in Florida, it represents people from all over the United States and several foreign countries.

Website Magdalena Cuprys, Immigration Attorney in Florida



Office of Magdalena Cuprys, Immigration Attorney in Florida

This press release can be viewed online at: <http://www.einpresswire.com>

Disclaimer: If you have any questions regarding information in this press release please contact the company listed in the press release. Please do not contact EIN Presswire. We will be unable to assist you with your inquiry. EIN Presswire disclaims any content contained in these releases.

