

Magdalena Cuprys, Florida immigration attorney, publishes second part of review of violence protections for immigrants

With this second published article, Immigration Lawyer Magdalena Cuprys completes her review of violence protections under U.S. immigration law.

MIAMI, FLORIDA, UNITED STATES, December 21, 2018 / EINPresswire.com/ -- With the second and final article on violence protections under U.S. immigration laws, Immigration Attorney [Magdalena Cuprys](#) concludes her review of some of the most important protections for immigrants. The complete article series will be published on the blog of [Ms. Cuprys](#) at <https://magdalenacuprysblog.blogspot.com/>

Magdalena Ewa Cuprys, Esq., Immigration Attorney in Florida



Services

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. 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.

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Immigration Options for Victims of Violence at the hands of Abusive USC and LPR Family Members



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*Magdalena Cuprys,
Immigration Lawyer*

There are various steps that must be reviewed to determine whether this is actually a viable option, for example: It must be determined if the Applicant (victim of domestic violence) has copies of their abusive spouse's birth certificates, green cards, naturalization records, or U.S. passport pages; if abusive relative is a USC born in the United States, one must look to the law of the state in which the USC was born and try to obtain copies; if the abuser is (or was) LPR, a naturalized USC, or has previously filed a petition with the federal immigration authorities, USCIS can look up the abuser's immigration status.

Keep in mind that if the abuser has lost immigration status within the last two years and that loss of status can be connected to the domestic violence, then the Applicant will still be eligible to file a VAWA self-petition. In addition, as with divorce, post-filing loss of status is irrelevant.

Sometimes, people do not realize that some of the bad things that have happened to them are forms of abuse. For example, isolation of friends and family, economic control, or forced sex are all common in domestic violence, but victims of these behaviors often do not realize the relevance of such behaviors as part of a pattern of abuse. Police reports, court records, protection orders, and other documents indicating involvement with government authorities are helpful, but they are not required.

Mental health and domestic violence workers also can provide useful statements, but like police records, they are by no means a requirement. Ask providers not to focus so much on diagnoses like post-traumatic stress disorder and depression, but rather why, in the worker's professional opinion, he or she believes that the Applicant has suffered domestic violence.

Remember that physical abuse is not required by statute and that extreme cruelty can provide the basis for a VAWA self-petition. As the Ninth Circuit in the old landmark case *Hernandez v. Ashcroft* noted, "Congress clearly intended extreme cruelty to indicate non-physical aspects of domestic violence."

Good Moral Character

Good moral character, not mentioned in the INA provisions relating to USC and LPR-initiated Relative Petitions, is a statutory requirement for the approval of a VAWA self-petition. If the Applicant has no arrest record and does not fall within the class of persons described in INA § 101(f), there is little that the applicant must do other state than that she is a person of good moral character and provide police records from places of prior residence.

Primary evidence of self-petitioner's good moral character is her affidavit along with a local police clearance or a state-issued criminal background. Any VAWA self-petitioner who has been arrested (even if charges were eventually dismissed) or may otherwise fall within INA § 101 (f) will need to provide in-depth explanations.

Ms. Cuprys notes that applicants must remember that this is a very complicated area of immigration law. Any Petitioner should always seek the help of an experienced immigration attorney prior to attempting such applications.

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