

Magdalena Cuprys releases next article in the Cuprys Law Instruction Series on Cancellation of Removal for LPR's

Cancellation of removal protects the LPR from forced Deportation/Removal, also keeping eligibility for underlying LPR status, notes Magdalena Cuprys

MIAMI, FLORIDA, UNITED STATES, January 20, 2019 /EINPresswire.com/ -- In her most recent article, [Magdalena Cuprys](#) provides an overview of Cancellation of Removal for Lawful Permanent Residents.

Cancellation of Removal for an LPR (Lawful Permanent Resident) is a Discretionary Immigration Defense or form of Relief from Removal – thereby sparing the Respondent the consequences of forced Removal/Deportation from the United States, notes [Ms. Cuprys](#). This form of relief is only available before a US Immigration Court after an Individual has been placed into Removal Proceedings after the Issuance of an NTA (Notice to Appear).



Magdalena Cuprys, Immigration Lawyer in Florida

This form of relief not only protects the LPR (Green Card Holder) from forced Deportation/Removal, yet it also provides for eligibility to retain his/her underlying Lawful Permanent Residence status through this Application process; if found eligible by the Immigration Court.

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*Magdalena Cuprys,
Immigration Lawyer*

In order to qualify for Cancellation of Removal and retain Lawful Permanent Residence status before a US Immigration Court, one must demonstrate that the individual as well as his US Citizen and LPR family members would endure extreme hardships as a result of the impending forced separation. Further, the Applicant/Foreign National must also prove the following as well as demonstrate numerous positive equities

(examples listed below) which when taken in the aggregate warrant a favorable exercise of discretion by the Court:

1. Continuous Physical Presence:

You have been living continuously in the United States for at least 7 years after having been admitted in any status;

Please note that the date of Issuance of the NTA must be carefully examined, as such date officially ends one's continuous physical presence date for Cancellation of Removal calculation purposes. Further, one must have qualified Immigration Counsel review the particular Criminal Offenses, as well as the exact dates of the offenses, which can also stop or terminate continuous presence in terms of Cancellation eligibility requirements. This is commonly known as the "Stop-Time" Rule. □

2. Green Card Status:

You have been a Lawful Permanent Resident (Green Card Holder) for a minimum of 5 years prior to Application. The Stop-Time Rule is in most cases inapplicable to the Green Card status requirement, as the applicant may count time spent after issuance of the NTA or initiation of proceedings, etc. in order to calculate the 5 year LPR status requirement.

3. Extreme Hardships:

Removal from the USA would cause extreme hardship to the Applicant as well as to the US Citizen or LPR Qualifying Relatives of the Applicant. For example, evidence of a minor child's medical condition, severity of illness, lack of available and suitable medical care in Applicant's home country, etc. are strong examples of extreme hardships.

4. Family Ties in the United States

Length of Residence in the USA – which includes age of Applicant at entry to USA and documentation as to level of assimilation into American culture and society;

5. Good Moral Character:

You must demonstrate that you are a good person and possess good moral fiber. Gathering evidence to prove this is critical, and should not be undertaken nor submitted without assistance of Counsel.

6. No Major/Felony Criminal Violations:

Criminal violations in many cases can automatically disqualify the Applicant from eligibility to apply for Cancellation of Removal (i.e. Felony violations which in many cases are deemed Aggravated Felonies under US Immigration Law). Any Violations whatsoever, including all

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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.

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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.

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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 Parahelms 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

arrests, etc. must be carefully reviewed by Counsel.

7. In the event of a Criminal Conviction, evidence of Rehabilitation and Program Certifications;

8. Evidence and nature of Employment history and level of Education;

9. Property and Business Ties to the US community;

10. Evidence of Community Service (i.e. Volunteer work, charitable contributions, church/religious affiliations, etc.) in which one documents that the applicant is an asset and benefit to the US community at large);

11. Discretionary Relief:

This form of relief is Discretionary, which means it is NOT a right; it is a privilege. The Immigration Judge shall make an individual case determination (on a case by case basis) of whether or not to grant or approve you any such relief from Removal. You must be able to prove to the Court that you deserve this discretionary form of relief.

Cancellation of Removal for Non-LPR:

There also exists another defensive remedy before the US Immigration Court – known as Cancellation of Removal for a Non-LPR (for those who do not possess Green Card status). This should NOT be confused with the Cancellation of Removal standard discussed above which is exclusive to Lawful Permanent Residents. This form of relief from removal was previously discussed in depth in a prior issue of the Cuprys Law Instruction series which is available on-line.

About [Magdalena Ewa Cuprys](#)

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



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