

## **Flood of DV 2011 Winners in the U.S.**

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### **Flood of DV 2011 Winners in the U.S.**

It appears year 2010 has brought a flood of DV lottery winners residing in the United States. Many of the winners have called the Law Office of Joseph Famuyide to know how to proceed. To all of them, we say congratulations!

Reaping the benefits of the Diversity Visa Lottery while residing in the United States is somewhat complicated and premised on meeting certain requirements. Unless the current law changes, only a few of the winners who presently reside in the U.S. will be able to obtain the permanent resident status they could have easily obtained if they were residing abroad. On the other hand, these immigrants cannot afford to travel abroad for this purpose because they have overstayed in the U.S. for more than one year which means that if they travel, they will not be able to come back for another 10years.

It is important that the winners who are in the U.S. know that there are requirements for adjustment of status in the U.S. The process is different from what is expected from an applicant residing abroad. An immigrant who resides in the U.S. is not required to complete Form DS 230. Such an immigrant should not send anything to the National Visa Center. It must be noted that while the processing time for those who resides abroad starts immediately upon the receipt of the winning package, an immigrant residing in the United States cannot do anything until after October 1, 2010 when the processing officially begins.

If an applicant is out of status at the time of winning the lottery and no previous petition was filed for the applicant before April 30, 2001, the applicant might not be able to get the green card from the lottery program. It is very important that winners residing in the U.S. consult with a qualified immigration attorney before attempting to process their applications.

Majority of the winners in the U.S. will need the passage of Section 245(i) INA to qualify, some might be qualified, using the services of experienced immigration attorneys, under the old Section 245(i) INA as a grandfathered alien.