

Madison, WI, March 16, 2006

Dear Senator Feingold,

This letter is from a German scientist who currently lives in Madison, WI. Even though you are not representing me, I believe you are also representing my infant American daughter.

Hence I would like to communicate some concerns and suggestions regarding immigration policies, and ask you to consider introducing some modifications to the existing laws now that immigration law reform is debated. My daughter certainly must have an interest to have her divorced dad remain involved in her life.

Hence, I should give you some background. Originally from East Germany, I came to the United States in 1998 and I have earned a Botany PhD at the University of Tennessee in 2002. I was funded through the NSF PEET program that seeks to train the biologists that carry on traditional taxonomic knowledge of understudied groups of organisms in the new century, something with little opportunity to earn a living. I came undecided whether I would stay beyond my PhD, but since then, I have worked in various short-term postdoctoral positions at UW-Madison, first under OPT (F1 visa status), then under H1B. I had meanwhile married my former German spouse who I had met in Tennessee. In 2005, we had a daughter, who is hence American citizen. Due to the professors' difficulties in receiving research funds, and my own foreign status = ineligibility to apply for funds, all my employments at UW-Madison and Howard Hughes Medical Institute were short-term. Due to the time limits of employment it was not even possible to travel to Germany for visiting family, because that would necessitate lengthy stays there. The US embassy in Berlin is not reachable by phone from the US for making the mandatory visa interview appointment.

For employment in the Madison biotech industry I was overqualified and mis-qualified. All this perhaps added to the failure of my marriage. My ex-spouse is working in one of the Middleton biotech companies and her employer is pursuing her Green Card. Our divorce in Madison gave me no custody and placement for my daughter at all, because I misguidedly waived all that in the face of my failing marriage and employment difficulties and related depression.

It is unlikely I will now be able to remain much longer in the US. Again, I only have a short postdoc position with current funding, which again materialized last minute. Theoretically, I would have up to three more years before my H1B eligibility runs out. It was and still is a constant fear not being able to be here for my family, and now for my daughter.

While some politicians have argued for the abolishment of the H1B visa category for taking away jobs, others demand the expansion of the numbers allotted. Unions complain about misuse of the visas, the cheap labor offered by employing such foreigners, and/or

the sometimes slave-like dependency of foreigners on their employer's fairness and good will. Some people even question birth right to citizenship for non-immigrant workers' children. Others would like to just give Green Cards to anyone who finished a US masters or doctoral degree to have the US stay competitive in science and technology, rather than throwing out promising graduates. Apparently, some other English-speaking countries grant immigration based on educational levels and merits.

Mr Feingold, given this situation, I ask why there is no law easing the conditions under which highly qualified, US-educated foreigners can seek and obtain work in the US. In times of economic hardships and curtailed research funding, would it not be fair to such persons such as mine to allow them limited employment in unrelated fields, or engage in work demanding lesser qualifications (such as lab technician jobs)? However, as with my example, foreigners who are here legally for many years and paid their taxes, and have children here should perhaps be allowed to remain and work legally in the country even if they temporarily cannot find jobs in their level of qualification. I can report that in the Madison biotech industry (as well as expanding research service companies like Covance), about the only jobs offered are for bachelor's-level, experienced workers. Foreign-born PhDs are hence widely shut out in spite of having the required work experience.

I believe this is a matter of economics (the US paid partly for the education) as well as compassion. Some politicians consider amnesties for illegal foreigners (which would likely not be the highly qualified scientists not daring to become illegal) to allow them to lawfully become permanent residents. Why do people who went through US higher education, hence also used US tax money in research and education not be allowed to continue contributing to US society, even when temporarily out of luck finding the right job and an employer willing to sponsor a visa or Green Card?

Legal H1B workers such as me pay FICA and might never be able to benefit themselves. As I found out, I cannot even start a 529 college fund for my American daughter, and credit card companies now routinely deny credit cards to legal foreigners on the pretext of national security, as if that would prevent a terrorist with a foreign-issued credit card to buy a plane ticket! Discrimination differs not much between legal and illegal foreigners, both are at the mercy of the host country, the US, and both are equally exploitable and somewhat told that they are not really welcome.

Now when Congress considers changes to the immigration laws, potentially allowing illegal immigrants to obtain legal status, I ask not to discriminate more against those that are here legally. Some of those have worked hard to obtain degrees, but the current economic and academic research downturn (cuts at NSF and NIH etc) leaves them stranded. They have the same fundamentally human desires to support their family. I believe a little bit more compassion and flexibility would go a long way. Allowing such foreigners to temporarily earn a living differently while still looking for the qualified jobs they were trained for at US academic institutions is a gesture that will benefit both society and those people's families.

Mr Feingold, I trust in you that you will take this matter into hands when again issues of immigration come up in the political process.

Sincerely

Dirk Krueger