

# German Home-School Parents Seek Justice in Supreme Court

The Home School Legal Defense Association (HSLDA) is filing a petition with the United States Supreme Court Thursday to hear *Romeike v. Holder*, the German home-schooling asylum case.

In April, a three-judge panel of the Sixth Circuit Court of Appeals sustained the Obama administration's revocation of asylum granted to the family in 2010.

The original immigration judge, Lawrence O. Burman, granted the Romeike family asylum on Jan. 26, 2010, under the Federal Immigration and Naturalization Act (INA) because Germany's national policy of suppressing home-schooling violated the Romeike's religious faith and because German authorities were improperly motivated to suppress home-schoolers as a social group.

In its ruling against the Romeikes, the Sixth Circuit rejected the judge's findings, stating that Germany's harsh treatment of home-schoolers did not amount to persecution and that the German authorities were not motivated by an improper purpose.

HSLDA chairman and principal author of the petition Michael Farris says the court should intervene for the sake of justice.

"The United States should be a place of asylum for those who are persecuted because of their decision to follow their core religious beliefs," he says. "Parents, not the government, decide first how children are educated. Germany's notorious persecution of families who home-school violates their own obligations to uphold human rights standards and must end."

Farris argues that there is a clear split in the treatment of human rights standards among federal circuits and that there

is confusion among the circuits about how to determine when a law that applies to everyone and doesn't appear discriminatory can still be used to persecute certain groups.

"In virtually all other circuits," he says, "the Romeikes' chances of success would have been decisively higher. But in this case, the Sixth Circuit created a new standard that dramatically departs from its own, as well as the Supreme Court's, jurisprudence in U.S. asylum law. The Supreme Court needs to settle this area of law."

This case is important to HSLDA's mission to advance freedom for persecuted home-schoolers, says Director of International Relations Michael Donnelly.

"Germany's clear violations of human rights standards in the area of home schooling have been going on for over a decade," he says. "German authorities recently seized the Wunderlich children and are prosecuting others—seeking outrageous jail terms—just because of home schooling. Germany's repression of home-schooling freedom is infecting other European nations, and our country should send a message that the United States will provide a refuge for victims of persecution even from ostensibly free democratic countries like Germany."

Without minimizing the reality of physical persecution and other types of human rights violations in other countries, HSLDA argues that the imposition of crushing fines, seizure of children and disproportionate criminal penalties over home schooling amount to persecution. The brief argues that the German Supreme Court's explicit approval for unequal treatment of home-schoolers for religious or philosophical reasons clearly violates human rights standards that the United States must recognize.

The petition places considerable reliance on the statements of the highest courts in Germany that explain that the purpose of the repression of home-schoolers was to prevent "religious and

philosophical minorities” from developing into “parallel societies.”

Human rights standards make it plain that although a nation may require compulsory attendance and may impose reasonable rules related to educational quality, no nation may exercise philosophical control over a child’s education contrary to the parent’s beliefs.

“These human rights protections were written in response to Germany’s practices in the Nazi era,” Farris adds. “It is impossible to distinguish the German desire for philosophical conformity today from that of the 1930s. Children do not belong to any government in any decade.”