

Home-Schooling Lawyers Petitioning Supreme Court in Romeike Case

The U.S. Sixth Circuit Court of Appeals denied the Home School Legal Defense Association's (HSLDA) request for rehearing of the Romeike case last Friday after seemingly showing interest in the case. HSLDA will now submit a petition for review by the U.S. Supreme Court to continue the fight for the Romeike family's asylum.

HSLDA submitted a petition for rehearing en banc on May 28, and the Sixth Circuit asked the Department of Justice to respond on June 12. The petition was then denied on the grounds that the points raised had already been considered during the original hearing.

"This is not over yet," says Michael Farris, founder and chairman of HSLDA. "We are taking this case to the Supreme Court because we firmly believe that this family deserves the freedom that this country was founded on.

"Despite Friday's order, the Sixth Circuit's opinion contains two clear errors: First, they wholly ignored Germany's proclamation that a central reason for banning home schooling is to suppress religious minorities. Second, the Sixth Circuit erred when it failed to address the claim that parental rights are so fundamental that no government can deny parents the right to choose an alternative to the public schools."

The Romeike family faces thousands of dollars in fines and possible jail time if they return to Germany. HSLDA contends this is grounds for a well-founded fear of persecution that would grant them asylum under U.S. law. The Justice Department, however, claims the Romeikes are being punished under a generally applicable law, and the Sixth Circuit

agreed.

"The German high court is on record for saying that religious home schoolers should be targeted and severely punished, yet our Justice Department sees nothing wrong with that," Farris says. "The attorney general and Sixth Circuit are ignoring critical evidence and are trying to send back this family who is trying to stay in our country legally. We are hopeful that the Supreme Court will go the other way and see what the original immigration judge saw: that this family and other religious home schoolers in Germany are being persecuted for what they believe is the right way to raise their children."

HSLDA has until Oct. 11 to petition to the Supreme Court and at the time of this writing has not yet set a date to submit its brief.