

Supreme Court Orders DOJ to Respond in Home-Schooling Case

The U.S. Supreme Court ordered Attorney General Eric Holder on Wednesday to respond to the Home School Legal Defense Association's (HSLDA) petition on behalf of the Romeike family, a German home-schooling family that fled to the United States to avoid persecution just because they home schooled their children.

James Mason, HSLDA's director of litigation, sees this as a hopeful sign that the court will hear the case.

"The government initially waived its right to respond, apparently thinking that *Romeike v. Holder* wasn't worthy of the court's consideration," he says. "Clearly, someone in the Supreme Court disagrees. While the odds of the court taking any case are very low, this has increased the chances—but it is impossible to predict whether the court will ultimately accept the case."

The court had initially scheduled the case for consideration during its conference on Nov. 26. Now the Justice Department has until Dec. 19 to respond, although it can ask for an extension, which means the final briefing might not happen until February of next year.

"We are pleased by the court's interest in the issues we have presented in our petition," says HSLDA Chairman Michael Farris. "*Romeike v. Holder* gives the court an opportunity to address important religious freedom and human rights issues. We hope that after due consideration of the government's brief, they will agree to hear our case."

Uwe and Hannelore Romeike fled to the United States in 2008 with their family after they faced the threat of thousands of

dollars in fines and possible jail time because they chose to home school their children, which is illegal in Germany. They were initially granted asylum in 2010 by an immigration judge in Tennessee, but the Obama administration appealed the decision, and its appeal was upheld by the Sixth Circuit Court in 2013. HSLDA appealed to the Sixth Circuit for rehearing but was denied after signs of initial interest in a rehearing. The family's last hope of staying in the United States now rests in the hands of the Supreme Court.

"We are extremely grateful for the work of HSLDA in support of our family," Uwe Romeike says. "We hope that the Supreme Court will hear our appeal and that we may be able to stay here. America is a land of freedom, and we cannot go back to Germany, where our children will be taken from us just because we home school."

Michael Donnelly, HSLDA's director for international affairs, points out that Germany's treatment of home-schooling families violates its treaty obligations and is contrary to fundamental human rights standards.

"Germany is a party to numerous international treaties," he says. "Those treaties and fundamental international human rights standards recognize the role of parents in selecting the kind of education their children should receive. Banning this entire form of education violates those treaties and the rights of all German parents."

"German policy makers need to update national policy to bring it in line with international human rights and allow parents this basic freedom in education. HSLDA is working with German home-schooling advocates and others to achieve this goal."