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German Home-School Parents Appeal Asylum Ruling - posted by proudpapa, on: 2013/2/22 15:45

TRAVIS LOLLER Associated Press

NASHVILLE, Tenn. February 22, 2013 (AP)

A couple who fled Germany with their five children over fears they would lose custody for not sending them to school has asked a federal appeals court to grant them asylum in the U.S.

Uwe and Hannelore Romeike (roh-MEYE-kee) claim in court documents that German schools are anti-Christian and the couple believe God wants them to teach their children at home.

Germany's government requires students to attend a state-approved school, and parents who violate the law can face fines, jail and possible custody loss.

The 6th U.S. Circuit Court of Appeals decided this week to hear oral arguments in April. The court will hear two competing pictures of the parents.

In the view of the Home School Legal Defense Association, which represents the parents, the Romeikes have been persecuted by the German government for exercising their right to direct their children's education, like many parents do in the U.S.

The U.S. government, however, believes the Romeikes' case does not rise to the level of persecution, and says they are not being singled out for their religious beliefs.

What the Romeikes did and what happened to them is not in dispute.

According to court documents, the Romeikes took their three oldest children out of school in September 2006 because they felt the school was turning the children against the family's Christian values. After a series of visits and letters by officials, police came to the house the next month and drove the children to school. Hannelore Romeike went to the school at recess and took them back home.

Police came three days later, but members of the family's home schooling support group were there protesting and police left. Next the government began issuing fines, which eventually totaled about 7,000 euros, or more than \$9,000.

The Romeikes decided to leave the country after Germany's highest appellate court ruled in November 2007 in an unrelated case that, in severe situations, social services officials could remove children from their parents.

In 2008, they moved from Bissingen an der Teck in the state of Baden-Wuerttemberg to Morristown in eastern Tennessee, and applied for asylum.

The U.S. government said in court documents the Romeikes did not belong to any particular Christian denomination and described the parents' objections to the government-approved schools as vague.

For instance, Uwe Romeike claimed a textbook "featured a story suggesting that 'the devil can help you if you ask the devil, but God would not help you,'" the government said. But he could not recall the title of the story or its author.

Romeike also claimed the schools taught witchcraft based on a game played by classmates of his wife when she was in the seventh grade "that involved pushing chairs and glasses around, and dangling a pendulum."

The family initially was granted asylum by U.S. Immigration Judge Lawrence Burman in Memphis in 2010. He concluded that "the (German) government is attempting to enforce this Nazi-era law against people that it purely seems to detest because of their desire to keep their children out of school."

On appeal, the Board of Immigration Appeals found Burman's assertion to be erroneous, and stated the record did not support the "inflammatory suggestion that it is a Nazi-era law."

The parents appealed to the 6th Circuit, which agreed to hear oral arguments April 23.

The Home School Legal Defense Association hopes to use the case to pressure Germany to change the way it treats home-school families, Director of International Relations Michael Donnelly said.

"It's a democracy. They respect human rights," he said of Germany. "But in this area it's frightening how they treat people who want to do something very simple. There are 2 million children home-schooled in the U.S. ... This is not a threat to the German state, but they are treating it that way, and it's wrong."

<http://abcnews.go.com/US/wireStory/german-home-school-parents-appeal-asylum-ruling-18563963>

Re: German Home-School Parents Appeal Asylum Ruling - posted by proudpapa, on: 2013/7/9 23:17

By Michael Gryboski , Christian Post Reporter

June 17, 2013|12:54 pm

The Sixth Circuit Court of Appeals has issued an order that the Department of Justice must respond to a rehearing request regarding the legal status of a German homeschooling family.

Issued last Wednesday, the Sixth Circuit's order was done on behalf of the Home School Legal Defense Association, which is presenting the Romeike family.

James R. Mason III, senior counsel with the HSLDA, told The Christian Post that the court's order was "a step in the right direction."

"Most requests for en banc rehearing are summarily denied without any further action," said Mason. "Here, the court has requested that the Justice Department respond, indicating that the court is taking our petition seriously."

The Romeikes—Uwe, Hannelore and their six children—opted to homeschool because they felt German public schools were teaching their children values contrary to their evangelical Christian beliefs.

According to German education law, homeschooling can only be permitted under certain circumstances like prolonged illness or extensive work-related family travel.

In 2008, the Romeikes fled Germany in response to possible punishments over homeschooling outside of the allowed exceptions.

While first granted asylum in 2010, the U.S. Immigration and Customs Enforcement appealed the decision in 2012 and was supported by the Board of Immigration Appeals. The Department of Justice sided with BIA, arguing against the reasons for granting asylum to the Romeike family.

Last month, a three-judge panel of the Sixth Circuit ruled against the Romeike family. Judge Jeffrey S. Sutton wrote the opinion.

"There is a difference between the persecution of a discrete group and the prosecution of those who violate a generally applicable law," said Sutton.

"As the Board of Immigration Appeals permissibly found, the German authorities have not singled out the Romeikes in particular or homeschoolers in general for persecution. As a result, we must deny the Romeikes' petition for review and, with it, their applications for asylum."

Mason of HSLDA told CP that the three-judge panel's decision against the Romeike family was a problematic one given it did not consider Germany's obligations on education rights.

"The Sixth Circuit's opinion failed to follow precedents that say that a violation of human-rights treaties may be considered

d when a country prosecutes its citizens contrary to the treaties it is obligated to follow," said Mason.

"Germany is a party to treaties that say that parents have the right to direct the education of their children and the U.N. has criticized Germany for violating its treaty obligations by outlawing homeschooling."

In response to the Sixth Circuit panel's decision, HSLDA filed a request for rehearing on May 29 with the hopes of having the case reheard with a full court, or "en banc" court

<http://www.christianpost.com/news/court-orders-doj-to-respond-to-german-homeschooling-family-rehearing-request-98122/>