



Written by [Dave Bohon](#) on May 16, 2013

U.S. Appeals Court Denies Asylum to German Homeschool Family

A German homeschool family that has been battling to remain in the United States because of religious persecution in their homeland has lost a major court battle. On May 14, the U.S. Sixth Circuit Court of Appeals upheld a 2012 decision by the Board of Immigration Appeals denying a request by Uwe and Hannalore Romeike to remain in the United States with their six children.



The [Romeikes fled to the United States in 2008](#) following several years of fines and harassment from the German government because of their insistence on educating their children at home. In 2010, U.S. Immigration Judge Lawrence O. Burman ruled that the Romeike family could remain in the United States, citing Germany's record of persecuting homeschool families, as well as the Romeikes' religious motivation in wishing to keep their children out of Germany's aggressively secular schools.

Since then the Obama administration's Department of Justice has taken a particular interest in targeting the Romeikes for deportation, succeeding last year in convincing the immigration appeals board to overturn Judge Burman's initial ruling in favor of asylum for the family. The Romeikes have been represented by the [Home School Legal Defense Association](#) (HSLDA) whose president, Michael Farris, expressed his disappointment over the Court of Appeals' ruling. "We believe the Sixth Circuit is wrong and we will appeal their decision," Farris said in a statement. "America has room for this family and we will do everything we can to help them."

In its ruling the Appeal Court rejected the argument that the Romeikes represented a persecuted group because of their plight at the hands of a German government, which has instituted laws aggressively vindictive against homeschool families. "There is a difference between the persecution of a discrete group and the prosecution of those who violate a generally applicable law," wrote Judge Jeffrey S. Sutton in his opinion for the court. "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."

In his opinion Sutton wrote that the United States has not "opened its doors to every victim of unfair treatment, treatment that our laws do not allow. That the United States Constitution protects the rights of 'parents and guardians to direct the upbringing and education of children under their control' does not mean that a contrary law in another country establishes persecution on religious or any other



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protected ground.” He referred to an earlier opinion by Supreme Court Justice Samuel Alito to point out that “the concept of persecution does not encompass all treatment that our society regards as unfair, unjust, or even unlawful or unconstitutional. If persecution were defined that expansively, a significant percentage of the world’s population would qualify for asylum in this country — and it seems most unlikely that Congress intended such as a result.”

HSLDA has been monitoring the aggressive attack against German homeschool families since 2006. As the group announced that it would appeal the ruling against the Romeike family, the HSLDA’s director of international affairs, Mike Donnelly, confirmed that “Germany continues to persecute homeschoolers. The court ignored mountains of evidence that homeschoolers are harshly fined and that custody of their children is gravely threatened — something most people would call persecution. This is what the Romeikes will suffer if they are sent back to Germany.”

Meanwhile, the HSLDA has launched a [petition drive](#) asking the Obama administration to grant the asylum the Romeike family is seeking. While the petition has surpassed the 100,000 signatures required for an official response, the White House has thus far refused to offer a statement.

The HSLDA’s Michael Farris said that as his group continues to battle in the courts on behalf of the Romeikes, “there is no doubt of the ability of the Obama Administration to use its discretion to immediately grant this family permanent asylum. We urge the Administration to do so at once. If our Administration is willing to explore a policy of leniency for millions of immigrants, it is simply inexplicable why they cannot find room for one homeschooling family from Germany.”



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