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NON-DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

BOARD OF IMMIGRATION APPEALS**

In the Matters of:

ROMEIKE, Uwe Andreas Josef

File Nos.: A087-368-600

FUNK, Hannelore (“Mrs. Romeike”)

A087-368-601

ROMEIKE, Daniel

A087-368-602

ROMEIKE, Lydia

A087-368-603

ROMEIKE, Josua

A087-368-604

ROMEIKE, Christian

A087-368-605

ROMEIKE, Damaris

A087-368-606

In Asylum Only Proceedings

**BRIEF OF AMICUS CURIAE THE BECKET FUND FOR RELIGIOUS LIBERTY
IN SUPPORT OF RESPONDENTS**

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STATEMENT OF FACTS AND PROCEDURAL HISTORY

Respondents' brief describes the facts and procedural history in detail, and amicus relies upon those statements.

STATEMENT OF THE ISSUES

Amicus relies upon the statement of the issues presented in Respondents' brief.

STANDARD OF REVIEW

The BIA reviews the decision of the Immigration Judge for clear error regarding findings of fact and *de novo* regarding findings and applications of law. 8 C.F.R. § 1003.1 (d)(3)(i)-(ii).

INTRODUCTION AND SUMMARY OF ARGUMENT

Uwe and Hannelore Romeike have been presented with a choice that no parent should be forced to make: the choice of either abandoning their religious beliefs or losing custody of their children. Because the Romeikes follow their religious beliefs by educating their children outside a state-sponsored school, the police in the German state of Baden-Württemberg have entered their home and forcibly taken their children to the local public school. Unfortunately for the Romeike family, the law the authorities in Baden-Württemberg have applied to them—the *Schulpflichtgesetz*, or School Duty Law—has exact analogues in every one of Germany's eighteen states. Therefore, in order to pass on their religious convictions to their children, the Romeikes have been forced to flee their homeland and seek asylum in the United States.

The *Schulpflichtgesetz* has a disturbing heritage. It is based in wording and structure on a 1938 law promulgated by Adolf Hitler that had the stated purpose of indoctrinating children in Nazi ideology. Like its Nazi-era predecessor, Baden-Württemberg's *Schulpflichtgesetz* has the effect of standardizing the German youth in cookie-cutter fashion, often against the religious beliefs of their parents. Indeed, Germany's highest court has recently stated that the purpose of the

Schulpflichtgesetz is “the state’s legitimate interest in suppressing the development of religiously and philosophically motivated parallel societies.” *See infra* at 7. The Romeikes thus have not fled the duty to educate their children, but the state’s attempt to indoctrinate them against their religious values.

If the family is deported back to Germany, they will be persecuted for their religious beliefs. As has been well-documented both at trial and in Respondents’ brief, because the Romeike family will continue to homeschool their children in accordance with their religious beliefs, they will suffer crushing fines, loss of child custody, and potential imprisonment. To prevent this result and to protect religious freedom, the Board should uphold the Immigration Judge’s grant of asylum.

INTEREST OF THE AMICUS

The Becket Fund for Religious Liberty is a public-interest law firm dedicated to protecting the free expression of all religious traditions. The Becket Fund litigates on behalf of people of all faiths in support of these principles in state and federal courts throughout the United States, as both primary counsel and *amicus curiae*. It also litigates and advocates on behalf of these principles before international bodies, including the European Court of Human Rights, the United Nations Human Rights Council (where it has consultative status), and the appellate courts of many nations. The Becket Fund has consistently advocated asylum for individuals whose right to live in accordance with their religious beliefs has been prohibited by foreign governments.

The Becket Fund comes before the Board with the purpose of demonstrating that religious freedom includes parents’ freedom to raise their children according to their religious beliefs. The Becket Fund believes that a government that forbids parent-directed religious education is a gov-

ernment that infringes on a fundamental human right. The Becket Fund therefore files this brief in support of asylum for the Romeikes.

ARGUMENT

I. The Immigration Judge correctly found that the Romeikes have a well-founded fear of future persecution on account of their religious beliefs.

At trial the Immigration Judge (“IJ”) found, as a matter of fact, a nexus between the Romeikes’ fear of future of persecution and their religious beliefs. Pursuant to 8 C.F.R. § 1003.1(d)(3)(i) (2010), “Facts determined by the immigration judge, including findings as to the credibility of testimony, shall be reviewed only to determine whether the findings of the immigration judge are clearly erroneous.” *See, e.g., Nerghes v. Mukasey*, 274 F. App’x. 417 (6th Cir. 2008). Here, not only are the IJ’s findings *not* clearly erroneous, they are amply supported by the record and are, in fact, correct.

A. If the Romeikes are deported back to Germany, they will suffer persecution on account of their religion.

The Romeikes have unquestionably proven that they will suffer religious persecution if deported. “Persecution means, in immigration law, punishment for political, religious, or other reasons that our country does not recognize as legitimate.” *Osaghae v. INS*, 942 F.2d 1160, 1163 (7th Cir. 1991). The Romeikes did not leave their native country because they objected to their children learning geography. They fled their homeland because they face persecution under a law, the *Schulpflichtgesetz*, which compels them to choose between following their religious ideals and retaining custody of their children. To avoid this persecution, the Romeikes seek asylum as refugees in the United States.

Religious persecution exists because the Romeikes’ religious beliefs are one central reason for their punishment. In order “[t]o establish that the applicant is a refugee within the meaning

of [8 U.S.C § 1158], the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.” 8 U.S.C § 1158 (b)(1)(B)(i) (2010). The Ninth Circuit describes the “one central reason” requirement as “naturally suggesting that a persecutory act may have multiple causes. . . . The Act states that a protected ground must constitute ‘at least one’ of the central reasons for persecutory conduct.” *Parussimova v. Mukasey*, 533 F.3d 1128, 1134 (9th Cir. 2008). The Sixth Circuit adopted similar reasoning in *Al-Ghorbani v. Holder*, 585 F.3d 980 (6th Cir. 2009). There the court overturned the BIA’s “finding that the sole motivation for the [challenged] actions was [a] personal vendetta” *Id.* at 998. Despite the personal nature of the dispute, the Sixth Circuit held that the applicant had proven the required nexus between his fear of future persecution and membership in a particular social group. *Id.* Accordingly, even if the German government is not targeting the Romeikes *exclusively* for their religious beliefs, as long as the Romeikes can demonstrate that their religious beliefs constitute “at least one” of the central reasons for persecutory conduct, their petition for asylum should be granted.

The Romeikes have passed that test. It is clear from the record that the Romeikes chose to homeschool their children for religious reasons. When the Immigration Judge asked why the Romeikes want to homeschool their children, Uwe Romeike answered, “[t]he public school teaches against our Christian world view, against the values we want to teach our children . . .” Tr. at 86. When pressed on this issue, Romeike explained that he and his wife “are accountable when we stand in front of God, as a church [W]e are the ones who will have to care for them and to educate them, to teach them the truth out of the Bible.” *Id.* at 88. Similarly, when Hannelore Romeike was asked by the IJ why she wished to homeschool her children, she testified, “Because it is of my faith and when we were at the Court in Germany, we always, always

told [sic] that we thought that we would have the freedom, in Germany, *to practice our faith* . . . and that's for the reason why we had to do, leave." *Id.* at 124 (emphasis added). The freedom that Hannelore Romeike thought she had as a citizen of Germany is a freedom every human being is entitled to possess. It is the freedom "of children to exercise their religion, and of parents to give them religious training and to encourage them in the practice of religious belief, as against preponderant sentiment and assertion of state power voicing it" *Prince v. Massachusetts*, 321 U.S. 158, 165 (1944). Baden-Württemberg's demand that all children be educated within the confines of state-endorsed schools compels the Romeikes to abandon their faith or face fines exceeding 75,000 Euros (over \$150,000), prison time, and loss of custody of their children.¹ The Romeikes' religious beliefs are one of the primary, if not the sole, reasons for their persecution. Therefore they qualify as refugees under 8 U.S.C § 1158 and should be granted asylum.

B. Contrary to DHS's argument, the *Schulpflichtgesetz* is neither neutral nor generally applicable.

In spite of DHS's description of the *Schulpflichtgesetz* as a "neutrally enforced law[] of general applicability," DHS Brief at 15, even a cursory examination of the statute reveals its discriminatory purpose and its bias against religious persons. The *Schulpflichtgesetz*'s attempt to quash the instruction of children outside of state-endorsed schools is nothing more than the state's attempt to compel its youth to conform to the majority culture.

1. The history and purpose of the law reveals its discriminatory intent.

¹ The details and descriptions of the penalties the Romeikes will face if they are deported back to Germany have been well documented at trial. *See* Testimony of Michael Donnelly, Tr. at 28-31, 43-44; DHS Brief at 4-7.

Baden-Württemberg's statute banning homeschooling is based on a Nuremberg-like law promulgated by Adolf Hitler in 1938.² Unlike the modern *Schulpflichtgesetz*, whose stated purpose is to "prepare youths for the exercise of their constitutional civil rights and obligations,"³ the purpose of the original law was to "ensure the education and training of German youth in the spirit of national socialism."⁴ Moreover, key language from the original proclamation has been reproduced almost verbatim in the modern law.⁵ Even if the discriminatory purpose were not apparent from the text of the law, it would be clear because the German Constitutional Court has explained the purpose of the law. In the *Konrad* case,⁶ the court held that the statute's objective is not ensuring its citizens' education, but their indoctrination.⁷ By restricting the educational op-

² Because variants of the *Schulpflichtgesetz* have been passed and are enforced in every German state, relocation within the Germany is not possible. IJ at 6. Tr. at 28-29, 33.

³ Schulgesetz für Baden-Württemberg [School duty law for Baden-Württemberg], Aug. 1, 1983 BGBl. I at 397, §1, *available at* <http://www.smv.bw.schule.de/Gesetze/schulgesetz.pdf>.

⁴ Gesetz über die Schulpflicht im Deutschen Reich [Law on compulsory Education in the German Empire], Jul. 6, 1938 RGBl. I. at 282, §1, *available at* <http://www.verfassungen.de/de/de33-45/schulpflicht38.htm>.

⁵ The original 1938 law read as follows:

§ 12. Schulzwang. Kinder und Jugendliche, welche die Pflicht zum Besuch der Volks- oder Berufsschule nicht erfüllen werden der Schule zwangsweise zugeführt. Hierbei kann die Hilfe der Polizei in Anspruch genommen werden.

[§ 12. School compulsion. Children and young people who do not fulfill the duty to attend the Peoples' or Vocational Schools will be taken to school under compulsion. In this regard the assistance of the police can be called upon.]

Baden-Württemberg's law today tracks both the structure and wording of the 1938 law:

§ 86. Schulzwang: Schulpflichtige, die ihre Schulpflicht nicht erfüllen, können der Schule zwangsweise zugeführt werden. Die Zuführung wird von der für den Wohn- oder Aufenthaltsort des Schulpflichtigen zuständigen Polizeibehörde angeordnet.

[§ 86. School compulsion. Children with the duty to attend school who do not fulfill their school duty can be taken to school under compulsion. The taking [of the child to school] will be directed by the police bureau where the child lives or resides.]

⁶ Bundesverfassungsgericht [BverfG] [Federal Constitutional Court] Apr. 29, 2003, Entscheidungen des Bundesverwaltungsgerichts [BverfGE] 436/03 (F.R.G.); *see* DHS Brief, Ex. H at 256 [hereinafter *Konrad*].

⁷ "The general public has a justified interest in counteracting the development of religiously or philosophically motivated 'parallel societies' and in integrating minorities in this area. Integra-

portunities of children, the *Schulpflichtgesetz* attempts to suppress minorities rather than integrate them.

2. The law allows exceptions for secular but not religious reasons and implicitly favors certain religions over others.

Even if the law had a proper purpose, it would still be non-neutral because the burden falls almost exclusively on religious minorities. When an activity is both “an irrational target of disfavor” and “engaged in exclusively or predominantly by a particular class of people, an intent to disfavor that class can readily be presumed. A tax on wearing yarmulkes is a tax on Jews.” *Bray v. Alexandria Women’s Health Clinic*, 506 U.S. 263, 270 (1993). Here, the intent to disfavor is clear because the impact of the law falls almost exclusively on religious minorities. Germany is willing to accommodate those with secular reasons for homeschooling, but refuses to make the same accommodation for those with religious reasons for homeschooling.

Under the *Schulpflichtgesetz*, parents may receive permission to homeschool due to their occupation or because the children are mentally unable to attend school. I.J. at 7, Tr. at 43, 80-81, 135. Furthermore, not only are exceptions to the general ban not provided for religious reasons, but as the *Konrad* court stated, “The general public has a justified interest in counteracting the development of *religious or philosophically* motivated ‘parallel societies’ and in integrating minorities in this area.” *Konrad* ¶ 8 (emphasis added). Because the suppression of “religiously motivated societies” is Germany’s goal, the court held that “the differences between those who are ‘school refusers’ for religious reasons, and children who are exempt from compulsory school attendance because their parents, due to their occupation, do not have a firm residence, are of such a nature and such a weight that they justify unequal treatment.” *Konrad* ¶ 12. In other words, be-

tion does not only require that the majority of the population does not exclude religious or ideological minorities, but, in fact, that these minorities do not segregate themselves and that they do not close themselves off to a dialogue with dissenters and people of other beliefs.” *Konrad*, ¶ 8.

cause the purpose of the German law is the suppression of religious minorities, discriminating against parents *because of their religious beliefs* is considered perfectly acceptable.

Furthermore, because there are state-sponsored religious schools for certain denominations, the government's failure to provide religious schools for all denominations while simultaneously compelling attendance at state-sponsored school is evidence that Baden-Württemberg favors certain religions over others.⁸ *Schulpflichtgesetz* presents the Romeikes with a meaningless offer: "you can send your child to any religious school you like, so long as it's Catholic or Jewish." Rather than accommodating the needs of parents and students, Baden-Württemberg has chosen to persecute those refusing to attend the state-sponsored schools on religious grounds. Therefore the law is neither neutral nor generally applicable, but discriminatory and biased in favor of mainstream groups.

3. Baden-Württemberg has no legitimate government interest in banning homeschooling for religious reasons.

After enacting such a sweeping law, one would expect that Baden-Württemberg would provide a legitimate and non-discriminatory reason for its actions. Indeed, as the IJ stated, "[w]e certainly do some odd things, in the United States, out of concern for children, but the explanation is always given that the Government has a right and an interest to look after children in their country."⁹ I.J. at 8. Unfortunately the justification for banning homeschooling is not the wellbeing of German youth, but the "general public's justified interest in counteracting the development of religiously or philosophically motivated parallel societies and in integrating minorities in the

⁸ *Cf. Ilchuk v. Attorney General of the United States*, 434 F.3d 618, 625-627 (3d Cir. 2006) (holding that the BIA improperly denied applicants withholding of removal claim, because the Ukrainian government grants the right to refuse military service to many religions, but not Pentecostal Christians).

⁹ *Cf. Vandiver v. Hardin County Bd. of Educ.*, 925 F.2d 927, 934 (6th Cir. 1991) (Given the state's understandable concern for the quality of home education, school officials have a right to require all home school transferees to satisfy an equivalency test).

area.” *Konrad* ¶ 12. The German government does not point to any evidentiary record showing that children homeschooled for religious reasons are any worse at integrating into society. *See, generally, Konrad*. Nor is there any suggestion that the Romeikes’ parental decisions will jeopardize their children’s health or safety, or impose significant social burdens. I.J. at 11. Instead of looking out for the child’s best interest, 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.” I.J. at 14-15.

U.S. law recognizes “the power of a State, having a high responsibility for education of its citizens, to impose reasonable regulations for the control and duration of basic education.” *Wisconsin v. Yoder*, 406 U.S. 205, 213 (1972). But that power is not without limitation. School regulations must not “exceed the limitations upon the power of the state and conflict with rights assured.” *Meyer v. Nebraska* 262 U.S. 390, 402 (1923). This case is not about a state’s right to educate its citizens, but about the standardization of its youth against the will of their parents. The *Schulpflichtgesetz* cannot be defended. Baden-Württemberg’s only interest is in compelling religious minorities to subscribe to the majority’s views. That is no defense, but rather naked oppression.

C. The *Schulpflichtgesetz* is a violation of international law.

The severity of the Romeike’s persecution is only clearer because the *Schulpflichtgesetz* violates international human rights laws. “Since the statutory definition of ‘refugee’ derives from an international Protocol, and because the legislative history is generally uninformative on this point, [courts] have often looked to sources of international law for guidance in applying the asylum and prohibition of deportation provisions of the Refugee Act.” *Sanchez-Trujillo v. INS*, 801 F.2d 1571, 1576 (9th Cir. 1986). In this case, the sources unequivocally point to the illegality of Germany’s actions.

International human rights instruments strongly support parents' rights to educate their children in conformity with their religious beliefs. The Universal Declaration of Human Rights ("UDHR"),¹⁰ International Covenant of Civil and Political Rights ("ICCPR"),¹¹ European Convention on Human Rights ("ECHR"),¹² International Covenant on Economic, Social, and Cultural Rights ("ICESCR"),¹³ and other instruments guarantee this right.¹⁴ In fact, the ECHR provides protections for parents similar to those enshrined in *Pierce v. Society of Sisters*, 268 U.S.

¹⁰ See Universal Declaration of Human Rights, G.A. Res. 217A, art. 26 (3), U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948), ("Parents have a prior right to choose the kind of education that shall be given to their children.").

¹¹ See International Covenant on Civil and Political Rights art. 18 (4), Dec. 16, 1966, 999 U.N.T.S. 171 ("The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.").

¹² See Convention for the Protection of Human Rights and Fundamental Freedoms, protocol no. 1 art. 2, Nov. 4, 1950, Europ. T.S. No. 5 ("No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.").

¹³ See International Covenant on Economic, Social, and Cultural Rights art.13 (3), Dec. 16, 1966, 993 U.N.T.S. 3 ("The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.").

¹⁴ See also Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief, G.A. Res 36/55, art. 5 (2), U.N. Doc. A/RES/36/55 (Nov. 25, 1981) [hereinafter *Declaration*] ("Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents . . . and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle."); Convention against Discrimination in Education art. 5 (b), Dec. 14, 1960, 429 U.N.T.S. 93 ("It is essential to respect the liberty of parents . . . to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction."); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, G.A. Res. 45/158, art. 12 (4), U.N. GAOR, Supp. No. 49A, U.N. Doc. A/45/49 (Dec. 18, 1990) ("States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.").

510 (1925), and *Yoder*.¹⁵ The UN declarations are even more explicit, declaring that parents have the right to “organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.”¹⁶ Children enjoy a parallel right to be free from compulsory teaching which conflicts with the beliefs of their parents.¹⁷

Germany’s system is so contrary to these international rights that a UN *special rapporteur* called on Germany to ensure that “necessary measures should be adopted to ensure that the home schooling system is properly supervised by the State, thereby upholding the right of parents to employ this form of education when necessary and appropriate, bearing in mind the best interests of the child.”¹⁸ Therefore it is obvious that Germany’s treatment of homeschoolers in general, and Baden-Württemberg’s treatment of the Romeikes in particular, violates international human rights law.

II. The *Schulpflichtgesetz* violates a fundamental right and would be flatly unconstitutional under American law.

The grant of asylum is a moral condemnation of the government from which the asylum applicant is fleeing. The *Schulpflichtgesetz* requires an individual to “engage in conduct that is not physically painful or harmful but is abhorrent to that individual’s deepest beliefs.” *Fatin v. INS*, 12 F.3d 1233, 1242 (3rd Cir. 1993). By forbidding parents from teaching their children beyond

¹⁵ See *Folgerø v. Norway*, 46 Eur. H.R. Rep. 1147 ¶ 84(h) (2008) (“The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents’ religious and philosophical convictions.”)

¹⁶ *Declaration* art. 5(1).

¹⁷ “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents...and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians” *Id.* at art. 5(2).

¹⁸ Vernor Muñoz, *Report of the Special Rapporteur on the right to education, Addendum: Mission to Germany*, ¶ 93, delivered to the U.N. Human Rights Council, U.N. Doc. A/HRC/4/29, (Mar. 9, 2007).

the confines of state-endorsed schools, the *Schulpflichtgesetz* assumes “that today’s majority is ‘right’ and the [Romeikes] and others like them are ‘wrong.’ A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different.” *Yoder*, 406 U.S. at 223-4. Baden-Württemberg’s law is abhorrent to the Romeikes, and it is abhorrent to our country’s conception of religious liberty.

The Supreme Court has long recognized the fundamental right of parents to direct the education of their children. As the IJ stated:

[I]n *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the Supreme Court made very clear how it would rule in this matter. . . . The Supreme Court found that there was a fundamental right of a parent to establish a home and bring up the children and worship God according to the dictates of his own consci[ence].

I.J. at 10. *Yoder*, however, is not the only the Supreme Court case to explicitly recognize the right of parents to direct the religious education of their children. In a case very much like this one, a unanimous Supreme Court made clear that “[t]he fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only.” *Pierce*, 268 U.S. at 535. In *Pierce*, the Supreme Court struck down an Oregon law compelling children to attend Oregon public schools because “[t]he child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.” *Id.* The courts have repeatedly reaffirmed that this is a fundamental right.¹⁹ As the IJ stated, “this is a central right, in America. . . . the right to be let alone,

¹⁹ See, e.g., *Zelman v. Simmons-Harris*, 536 U.S. 639, 680 n.5 (2002) (Thomas, J., concurring) (“This Court has held that parents have the fundamental liberty to choose how and in what manner to educate their children”); *Johnson v. City of Cincinnati*, 310 F.3d 484, 499 (6th Cir. 2002) (“Both Supreme Court precedent and our national tradition suggest that a family member’s right to participate in child rearing and education is one of the most basic and important associational rights protected by the Constitution”); *Fyfe v. Curlee*, 902 F.2d 401 (5th Cir. 1990) (Holding that the plaintiff’s decision to send her child to a private school was protected under the First

that the Government does not own people, that people should control the Government. So, in the United States, obviously, the Romeikes would have no problem with their homeschooling.” I.J. at 10. By forbidding education outside of state control, Baden-Württemberg has reached up and pulled down the one “fixed star in our constitutional constellation, . . . that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *Barnette v. West Virginia Bd. of Educ.*, 319 U.S. 624, 642 (1943). The Romeikes have the right to bring up their children according to their religious values, and Germany is violating that right. Since no German state respects this fundamental right, the United States should serve as a place of refuge for the Romeike family.

CONCLUSION

Baden-Württemberg’s education system compels children to receive an education contrary to their own religious ideals and those of their parents. The Nazi-era law is enforced with penalties up to and including the loss of custody of one’s children. The law is not neutral, but targets religious minorities. It is unsupported by any legitimate government purpose, and it violates both domestic and international understandings of fundamental human rights. Therefore this board should grant the Romeikes asylum in the United States.

Amendment); *Stough v. Crenshaw County Bd. of Educ.*, 744 F.2d 1479, 1480 (11th Cir. 1984) (“There is no question in this case that the board’s policy interferes with the plaintiffs’ exercise of their constitutional right to control the education of their children.”).