

Congress of the United States

Washington, DC 20515

July 11, 2024

The Honorable Jim Jordan
Chair
House Committee on the Judiciary
Washington, DC 20515

The Honorable Tom McClintock
Chair, Subcommittee on Immigration Integrity,
Security and Enforcement
Washington, DC 20515

Dear Chair Jordan and Chair McClintock:

We are writing to urge the House Committee on the Judiciary, and its Subcommittee on Immigration Integrity, Security, and Enforcement to adopt “Rules of Procedure and Statement of Policy for Private Immigration Bills” for the 118th Congress, and then consider H.R. 5423 — a private bill to provide permanent resident status for the Romeike family of Morristown, Tennessee.

The Romeike family was granted asylum in the United States in 2010 after fleeing their home country Germany so that the parents — Uwe and Hannelore Romeike — could homeschool their children free from state persecution. Germany’s severe compulsory education laws effectively outlaw home schooling and require nearly all children to attend state-run school outside the home. Uwe and Hannelore Romeike chose to withdraw their children from German public schools to educate them at home according to their family values and religious convictions. They did so because they fervently believed the curriculum at the state-run schools contained elements that were offensive to their family values and religious beliefs. They subsequently experienced persecution from the German authorities, including exorbitant fines, the forcible removal of their school-age children from their home on at least one occasion, and the threat of loss of their parental rights and imprisonment. As of the date of this letter, homeschooling is still highly restricted by the German government.

In 2010, U.S. Immigration Judge Lawrence O. Burman issued an oral decision granting the Romeike family asylum in the United States. Judge Burman found that the Romeikes “had a well-founded fear of persecution based on their membership in a ‘particular social group’: homeschoolers.”¹ Judge Burman, having considered the substantial evidence and heard the witness testimony, concluded that the Romeikes met the legal requirements for asylum and, therefore, granted all seven Romeikes asylum in the United States.

Soon thereafter, our federal government took the highly unusual step of appealing the Romeike’s asylum. Through judicial proceedings the Romeike’s grant of asylum was eventually overturned and the Board of Immigration Appeals ordered the Romeikes be removed from the United States back to Germany. On June 27, 2012, facing imminent deportation, the U.S. Department of Homeland Security placed the family under a written Order of Supervision and the Romeike family was orally informed that they would be placed in “indefinite deferred action status.” This was understood to mean that the U.S. government would not take any action to deport the Romeikes.

On September 6, 2023, Immigration and Customs Enforcement (ICE) told the family during a routine check-in to bring their passports with them to their next meeting, signaling that they were going to be deported back to Germany. They were to report back to the Knoxville, Tennessee ICE office in just over four weeks’ time. No further explanation was given. Through advocacy efforts by Members of Congress

¹ *Romeike v. Holder*, 718 F.3d 528, 530 (6th Cir. 2013), *rehearing and rehearing en banc denied* (Jul 12, 2013), *certiorari denied*, 571 U.S. 1244 (Mar. 3, 2014).

and many concerned citizens across the country, in October 2023 the Romeikes were offered by ICE and signed an order of supervision, effectively a stay from deportation actions until October 23, 2024.

Since their arrival in the United States more than 15 years ago, every member of the Romeike family has been upstanding in their community and a model citizen. They have complied with the Order of Supervision as they understood it, submitting to all mandatory check-ins with immigration agents required of them. They have successfully assimilated into their local community and the fabric of American life. Uwe Romeike works as a classical piano teacher at a Christian university as well as his private piano studio. They have made lifelong friends in their community.

To quote two of our U.S. Senate colleagues: “Private immigration bills are a critical safety net that Democrats and Republicans alike have carefully used for a small number of the most critical cases.”²

In keeping with this tradition, we believe H.R. 5423 is critically important to protect the God-given right of parents, not governments, to direct the education of their children. The Romeike’s case is a compelling one such that deporting them back to Germany would result in their extreme hardship and injustice. And H.R. 5423 is of such an extraordinary nature that an exception to the law is needed. This is true of H.R. 5423 even though it may not fall within the current and narrow precedents of recently-passed private immigration bills.

The Judeo-Christian heritage of the United States recognizes that “parental authority is God-given and inherent in the parent-child relationship. Parental authority precedes the state; that is, the state neither grants nor delegates authority to parents over their children. Parents possess this authority simply by virtue of being parents.”³ Put another way, “parental authority is natural and original, primary to the state’s authority over children and in no way derived from it.”⁴

The U.S. Supreme Court first recognized this principle in 1923 in *Meyer v. Nebraska*, holding that “it is the natural duty of the parent to give his children education suitable to their station in life.”⁵ In 1925, the Court reaffirmed this principle when it held that parental rights are a substantive due process right within the Fourteenth Amendment. The Court stated, “[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.”⁶

For over 75 years, the U.S. Supreme Court has consistently affirmed this fundamental principle in an unbroken line of cases. In *Troxel v. Granville*, decided in 2000, the Court summed up U.S. jurisprudence and precedent, stating:

“[t]he liberty interest at issue in this case — the interest of parents in the care, custody, and control of their children — is perhaps the oldest of the fundamental liberty interests recognized by this Court In light of this extensive precedent, it cannot now be doubted

² Press Release, Office of Senator Diane Feinstein, Feinstein, Durbin Statement on Drastic, Unilateral Changes to Private Bills (May 8, 2017), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-feinstein-statement-on-drastic-unilateral-changes-to-private-bills>.

³ Mary Rice Hasson, *Parental Rights and Decisions about Minor Children’s Health Care*, in PARENTAL RIGHTS IN PERIL 73 (Stephen M. Krason ed., 2022).

⁴ MELISSA MOSCHELLA, TO WHOM DO CHILDREN BELONG? PARENTAL RIGHTS, CIVIC EDUCATION, AND CHILDREN’S AUTONOMY 23 (2016).

⁵ *Meyer v. Nebraska*, 262 U.S. 390, 400 (1923).

⁶ *Pierce*, 268 U.S. at 535.

that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children. . . . [T]he Due Process Clause does not permit a State to infringe on the fundamental right of parents to make childrearing decisions simply because a state judge believes a “better” decision could be made.”⁷

The Supreme Court has continually recognized that these are *human rights*, given by God, and protected by the U.S. Constitution. While we recognize that Germany is not bound by the U.S. Constitution, Germany’s laws banning home education are an affront to the moral law, to human rights, and to the U.S. Constitution. Furthermore, they are an affront to international human rights principles.

Germany does not recognize these rights as fundamental. In 2003, the German Constitutional Court held that “...the State educational mandate has *equal ranking* with the parents’ right to educate.” As if this were not preposterous enough, the German court continued, stating that “...encroachments into basic constitutional rights [of religious homeschoolers] is reasonable...”⁸ This was upheld by the European Court of Human Rights (ECHR), which found Germany’s prohibition within its “margin of appreciation” under the ECHR. In doing so, Germany has demonstrated — and the European Court of Human Rights has affirmed — an opinion that parental rights come from the state, not from the natural law. However, even international treaties have some recognition of the fundamental, natural and God-given rights of parents.

Article 26(3) of the Universal Declaration of Human Rights, states that “*parents have a prior right* to choose the kind of education that shall be given to their children.” (emphasis added) Article 18(4) of the International Covenant on Civil and Political Rights (ICCPR) pledges that State Parties will “have respect for the liberty of parents . . . *to ensure the religious and moral education of their children in conformity with their own convictions.*” (emphasis added) Article 13(3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that States Parties “undertake to have respect for the liberty of parents . . . 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.*” (emphasis added)

We recognize that the United States cannot always protect freedoms for those overseas. But the United States can demonstrate their significance by securing these freedoms for families lawfully within our borders when these fundamental, universally declared freedoms are not protected in a person’s home country. The United States can **and should** secure these freedoms and human rights for the Romeike family.

H.R. 5423 represents precisely the type of critical case for which the safety net of the private immigration bill was designed. H.R. 5423, in granting the Romeike family lawful permanent residence status, is directly in line with tradition of our Pilgrim forefathers, namely the hope of religious freedom. Like many from hundreds of years ago, the Romeike family fled religious persecution in Germany in the safety of the United States. The Romeike family was initially granted this safety, having obtained a favorable ruling from a U.S. Immigration Judge who found the Romeike family’s ability to practice their religion would not be permitted under current German law. The family has lived as law-abiding residents in the United States (East Tennessee) since 2008. Two of their adult children married U.S. citizens and they have a

⁷ Troxel v. Granville, 530 U.S. 57, 65–66, 72–73 (2000).

⁸ *In the constitutional complaint of Konrad, German Federal Constitutional Court 2003, 1 BverfG 436/03.*

grandchild born in Tennessee. For the family to remain in the United States under a continual Order of Supervision is as unthinkable as it is unnecessary, when a critical safety net like a private immigration bill is available.

Congressional action on H.R. 5423 would protect the Romeike family and send a powerful message to nations abroad that seek to advance the statist notion that parental rights are subservient to the government. It would send a message that the U.S. Congress recognizes that “all men are created equal [and] that they are endowed by their Creator with certain unalienable Rights[.]”⁹

H.R. 5423 is critically important, and we urge favorable action by the House Committee on the Judiciary as soon as possible.

Sincerely,



Diana Harshbarger
Member of Congress




Mark E. Green, MD
Member of Congress



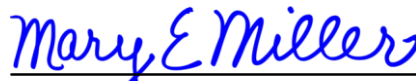
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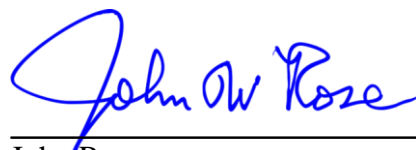


Charles J. "Chuck" Fleischmann
Member of Congress

⁹ THE DECLARATION OF INDEPENDENCE, para. 1–2 (U.S. 1776).



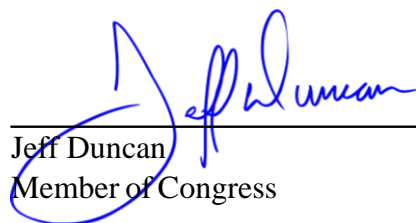
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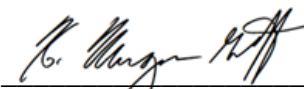
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