

**Request for a preliminary ruling from the Verwaltungsgericht Berlin (Germany) lodged on  
19 October 2015 — Sahar Fahimian v Bundesrepublik Deutschland**

**(Case C-544/15)**

(2015/C 429/17)

*Language of the case: German*

**Referring court**

Verwaltungsgericht Berlin

**Parties to the main proceedings**

*Applicant:* Sahar Fahimian

*Defendant:* Bundesrepublik Deutschland

*Other party to the proceedings:* Stadt Darmstadt

**Questions referred**

- 1 a. Is Article 6(1)(d) of Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service <sup>(1)</sup> to be interpreted as meaning that the competent authorities of the Member States are able to exercise a degree of discretion in examining whether a third-country national who applies to be admitted for the purposes set out in Articles 7 to 11 of that directive is regarded as a threat to public policy, public security or public health, as a result of which discretion the assessment by the authorities may be subject to only limited judicial review?

- b. If Question 1a is answered in the affirmative:

What are the legal limits placed on the competent authorities of the Member States when making the assessment that a third-country national who applies to be admitted for the purposes set out in Articles 7 to 11 of Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service is to be regarded as a threat to public policy, public security or public health, particularly in view of the facts underlying that assessment and their evaluation?

2. Independently of the answers to Questions 1a and 1b:

Is Article 6(1)(d) of Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service to be interpreted as meaning that the Member States are thereby empowered, in a case such as the present, in which a third-country national from Iran, who obtained her university degree from the Sharif University of Technology (Tehran) in Iran, which specialises in technology, engineering and physics, seeks entry for the purpose of taking up doctoral studies in the area of IT-security research within the framework of the 'Trusted Embedded and Mobile Systems' project, in particular the development of effective security mechanisms for smartphones, to deny entry to their territory, stating as grounds for this refusal that it could not be ruled out that the skills acquired in connection with the research project might be misused in Iran, for instance for the acquisition of sensitive information in Western countries, for the purpose of internal repression or more generally in connection with human rights violations?

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<sup>(1)</sup> OJ 2004 L 375, p. 12.