

**Reference for a preliminary ruling from Supreme Court of the United Kingdom (United Kingdom)
made on 1 August 2016 — Secretary of State for the Home Department v Franco Vomero**

(Case C-424/16)

(2016/C 350/24)

Language of the case: English

Referring court

Supreme Court of the United Kingdom

Parties to the main proceedings

Applicant: Secretary of State for the Home Department

Defendant: Franco Vomero

Questions referred

1. Whether enhanced protection under article 28.3(a) ⁽¹⁾ depends upon the possession of a right of permanent residence within article 16 and article 28.2.

If the answer to question one is in the negative, the following questions are also referred:

2. Whether the period of residence for the previous ten years, to which article 28(3)(a) refers, is

a. a simple calendar period looking back from the relevant date (here that of the decision to deport), including in it any periods of absence or imprisonment,

b. a potentially non-continuous period, derived by looking back from the relevant date and adding together period(s) when the relevant person was not absent or in prison, to arrive, if possible, at a total of ten years' previous residence,

3. What the true relationship is between the ten year residence test to which article 28(3)(a) refers and the overall assessment of an integrative link.

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.
OJ L 158, p. 77