



C/2025/4441

18.8.2025

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 24 June 2025 – Ministero dell'Interno, Questura di Roma v S.H., A.H.

(Case C-414/25, Sedrata ⁽¹⁾)

(C/2025/4441)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellants: Ministero dell'Interno, Questura di Roma

Respondents: S.H., A.H.

Questions referred

- (1) Does Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals ⁽²⁾ and, in particular, Articles 3, 6, 8, 15 and 16 thereof, preclude the application of national legislation (Article 3(2) of Law No 14 of 21 February 2024), which allows recipients of detention orders endorsed or extended pursuant to Article 14 of Legislative Decree 286 of 1998 to be taken to the areas referred to in Article 1(1)(c) of the Protocol between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania on the strengthening of cooperation in the field of migration, concluded in Rome on 6 November 2023, in the absence of any predetermined and identifiable prospect of return?
- (2) If the answer to that question is in the negative, does Article 9(1) of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection ⁽³⁾ preclude the application of national legislation (Law No 14 of 21 February 2024) which allows, on the grounds of an application for protection deemed to have been lodged for improper purposes, the detention in one of the areas referred to in Article 1(1)(c) of the Protocol between the Government of the Italian Republic and the Council of Ministers of the Republic of Albania on the strengthening of cooperation in the field of migration, concluded in Rome on 6 November 2023, of the migrant who is the subject of an expulsion order and who, having been brought to said areas, has submitted such an application?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ OJ 2008 L 348, p. 98.

⁽³⁾ OJ 2013 L 180, p. 60.