

Judgment of the Court (Third Chamber) of 17 July 2014 (request for a preliminary ruling from the Tribunale di Verona (Italy)) — Shamim Tahir v Ministero dell'Interno and Questura di Verona

(Case C-469/13) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Directive 2003/109/EC — Articles 2, 4(1), 7(1) and 13 — 'Long-term resident's EU residence permit' — Terms for conferring long-term resident status — Legal and continuous residence in the host Member State for five years prior to the submission of the permit application — Person with family connections to the long-term resident — More favourable national provisions — Effects)

(2014/C 315/32)

Language of the case: Italian

Referring court

Tribunale di Verona

Parties to the main proceedings

Applicant: Shamim Tahir

Defendants: Ministero dell'Interno and Questura di Verona

Operative part of the judgment

1. Articles 4(1) and 7(1) of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, as amended by Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011, must be interpreted as meaning that family members, as defined in Article 2(e) of that directive, of a person who has already acquired long-term resident status may not be exempted from the condition laid down in Article 4(1) of that directive, under which, in order to obtain that status, a third-country national must have resided legally and continuously in the Member State concerned for five years immediately prior to the submission of the relevant application.
2. Article 13 of Directive 2003/109, as amended by Directive 2011/51, must be interpreted as not allowing a Member State to issue family members, as defined in Article 2(e) of that directive, with long-term residents' EU residence permits on terms more favourable than those laid down by that directive.

⁽¹⁾ OJ C 52, 22.2.2014.

Judgment of the Court (Grand Chamber) of 17 July 2014 (requests for a preliminary ruling from the Bundesgerichtshof, Landgericht München I (Germany)) — Adala Bero v Regierungspräsidium Kassel (C-473/13), Ettayebi Bouzalma v Kreisverwaltung Kleve (C-514/13)

(Joined Cases C-473/13 and C-514/13) ⁽¹⁾

(Area of freedom, security and justice — Directive 2008/115/EC — Common standards and procedures in Member States for returning illegally staying third-country nationals — Article 16(1) — Detention for the purpose of removal — Detention in prison accommodation — Not possible to provide accommodation for third-country nationals in a specialised detention facility — No such facility in the Land where the third-country national is detained)

(2014/C 315/33)

Language of the case: German

Referring court

Bundesgerichtshof, Landgericht München I

Parties to the main proceedings

Applicants: Adala Bero (C-473/13), Ettayebi Bouzalmate (C-514/13)

Defendants: Regierungspräsidium Kassel (C-473/13), Kreisverwaltung Kleve (C-514/13)

Operative part of the judgment

Article 16(1) of 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 must be interpreted as requiring a Member State, as a rule, to detain illegally staying third-country nationals for the purpose of removal in a specialised detention facility of that State even if the Member State has a federal structure and the federated state competent to decide upon and carry out such detention under national law does not have such a detention facility.

⁽¹⁾ OJ C 336, 16.11.2013.
OJ C 367, 14.12.2013.

Judgment of the Court (Grand Chamber) of 17 July 2014 (request for a preliminary ruling from the Bundesgerichtshof (Germany)) — Thi Ly Pham v Stadt Schweinfurt, Amt für Meldewesen und Statistik

(Case C-474/13) ⁽¹⁾

(Area of freedom, security and justice — Directive 2008/115/EC — Common standards and procedures in Member States for returning illegally staying third-country nationals — Article 16(1) — Detention for the purpose of removal — Detention in prison accommodation — Possibility of detaining a third-country national with ordinary prisoners where he has given his consent)

(2014/C 315/34)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Thi Ly Pham

Defendant: Stadt Schweinfurt, Amt für Meldewesen und Statistik

Operative part of the judgment

The second sentence of Article 16(1) of 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 must be interpreted as not permitting a Member State to detain a third-country national for the purpose of removal in prison accommodation together with ordinary prisoners even if the third-country national consents thereto.

⁽¹⁾ OJ C 336, 16.11.2013.