

Request for a preliminary ruling from the Raad voor Vreemdelingenbetwistingen (Belgium) lodged on 5 July 2016 — H. F. v Belgische Staat

(Case C-366/16)

(2016/C 343/44)

Language of the case: Dutch

Referring court

Raad voor Vreemdelingenbetwistingen

Parties to the main proceedings

Applicant: H. F.

Defendant: Belgische Staat

Question referred

Should Union law, in particular Article 27(2) of the Citizenship Directive⁽¹⁾, whether or not in conjunction with Article 7 of the Charter, be interpreted as meaning that a residence application, lodged by a third-country family member in the context of family reunification with a Union citizen, who in turn has used his right of free movement and residence, can be refused in a Member State because of a threat resulting from the mere presence in society of that family member, who in another Member State was excluded from refugee status pursuant to Article 1F of the Refugee Convention and Article 12(2) of the Qualification Directive⁽²⁾ because of his involvement in events within a certain socio-historical context in his country of origin, where the genuineness and the reality of the threat posed by the conduct of that family member in the Member State of residence is based solely on a reference to the exclusion decision in the absence of an assessment of the risk of recidivism in the Member State of residence?

⁽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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77).

⁽²⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).

Request for a preliminary ruling from the Oberlandesgericht München (Germany) lodged on 6 July 2016 — Soha Sahyouni v Raja Mamisch

(Case C-372/16)

(2016/C 343/45)

Language of the case: German

Referring court

Oberlandesgericht München

Parties to the main proceedings

Applicant: Soha Sahyouni

Defendant: Raja Mamisch

Questions referred

1. Does the scope of Council Regulation (EU) No 1259/2010⁽¹⁾ of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation (OJ 2010 L 343, p. 10), as defined in Article 1 of that regulation, also include cases of private divorce, in this instance one pronounced by unilateral declaration of a spouse before a religious court in Syria on the basis of sharia?