

**Request for a preliminary ruling from the Kammarrätten i Stockholm — Migrationsöverdomstolen (Sweden) lodged on 3 February 2016 — Mohammad Khir Amayry v Migrationsverket**

**(Case C-60/16)**

(2016/C 111/19)

*Language of the case: Swedish*

**Referring court**

Kammarrätten i Stockholm — Migrationsöverdomstolen

**Parties to the main proceedings**

*Applicant:* Mohammad Khir Amayry

*Defendant:* Migrationsverket

**Questions referred**

1. If an asylum seeker is not in detention at the time when the Member State responsible agrees to take charge of him but is detained at a later date — on the ground that only then is the assessment made that there is a significant risk that the person will abscond — may the time limit of six weeks in Article 28(3) of Regulation No 604/2013 <sup>(1)</sup> be calculated in such a situation from the day on which the person is detained or is it to be calculated from another time and if so, when?
2. Does Article 28 of the regulation preclude, in a situation where an asylum seeker is not in detention at the time when the Member State responsible agrees to take charge of him, the application of national rules which, in Sweden, mean that an alien may not be kept in detention pending implementation [of a transfer] for longer than two months, if there are no serious reasons for detaining him for a longer period, and if there are such serious reasons, the alien may be kept in detention for a maximum of three months or, if it is probable that implementation will take longer due to a lack of cooperation from the alien or it takes time to obtain the necessary documents, a maximum of twelve months?
3. If an implementation procedure is recommenced when an appeal or a review no longer has suspensive effect (c.f. Article 27(3)), does a new time limit of six weeks for implementation of the transfer start to run or is there a deduction to be made, for example, of the number of days the person has already spent in detention after the Member State responsible agreed to take charge of him or take him back?
4. Is it of any importance whether the asylum seeker who appealed against a transfer decision has not himself applied for the implementation of the transfer decision to be suspended pending the result of the appeal (c.f. Article 27(3)(c) and (4))?

---

<sup>(1)</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (O) 2013 L 180, p. 31).