

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.