

**Reference for a preliminary ruling from the Nejvyšší správní soud (Czech Republic)
lodged on 20 October 2011 - Mehmet Arslan v Policie ČR, Krajské ředitelství policie
Ústeckého kraje, odbor cizinecké policie
(Case C-534/11)**

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: Mehmet Arslan

Defendant: Policie ČR, Krajské ředitelství policie Ústeckého kraje, odbor cizinecké policie

Questions referred

1. Should Article 2(1), in conjunction with recital 9 of the preamble, 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 nationals² be interpreted to mean that this Directive does not apply to a third-country national who has applied for international protection within the meaning of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status? []

2. If the answer to the first question is in the affirmative, must the detention of a foreign national for the purpose of return be terminated if he applies for international protection within the meaning of Directive 2005/85/EC and there are no other reasons to keep him in detention?

¹ - OJ 2008 L 348, p. 98.

² - OJ 2005 L 326, p. 13.