



## Ordine internazionale e diritti umani

International Legal Order and Human Rights  
Ordenamiento Jurídico Internacional y Derechos Humanos  
Ordre juridique international et Droits de l'Homme

### **THE JUDGEMENT OF THE EUROPEAN COURT ON THE HUMANITARIAN VISA**

On 7 March 2017 Court of Justice (Grand Chamber) of European Union announced its judgement in Case C-638-16 (X and X v. État belge), by referring to a preliminary ruling submitted by the Conseil du contentieux des étrangers, about issue of humanitarian visas. The Court disagreed with the opinion of Advocate General, who had spent plenty of reasons to make clear that EU law requires a Member State to issue a visa with limited territorial validity where there are substantial grounds to believe that the refusal to issue that document will have the direct consequence of exposing persons seeking international protection to torture or inhuman or degrading treatment. The Court, in spite of that suggestions, gave a restrictive interpretation of the principles of Charter of Fundamental Rights and decided that the case not fall within the scope of EU law, in particular of the Visa Code but solely within that of national law.