



Dottorato di ricerca in Ordine internazionale e diritti umani, Sapienza, Università di Roma - Intercenter, Università di Messina

## **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 JURISPRUDENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS AND THAT OF THE COURT OF JUSTICE OF THE EUROPEAN UNION IN THE AREA OF IMMIGRATION: AN IRREMEDIALE CONTRAST?**

The article examines the recent jurisprudence of the European Court of Human Rights on immigration, highlighting how it is increasingly based on the “sovereignty clause” rather than on the equivalent protection, and in fact determining the non-application of the system of Dublin III. On the other hand, the Court of Justice of the European Union, after an initial opening towards greater protection of human rights, has reached a position that is more and more favourable to the interests of member States.