

Iran's laws about immigration and immigrant transmission

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Abstract: This study analyzes immigration and immigrant transmission laws and their effect on the quality of social development in Iran. This research analyzes the following factors: literacy, job, housing quality, migration, migration incentive and migration distance. This study is performed using documentary and survey research methods and also non-proportional and random sampling methods. Findings in the survey method show that: (1) There is a significant relationship between migration and literacy ($r=-0.43$), job ($r=-0.33$) and housing quality ($r=-0.27$) that are minor assumptions to measure dependent variable in this study. (2) There is a significant relationship between migration incentives ($r=+0.19$), that are minor assumptions to measure dependent variable in this study, and Iran's social development. Calculation of correlation coefficient shows that there is no significant relationship between two variables of 'distance' and 'social development', therefore this assumption is not verified. (3) Major assumption of this research, relationship between 'migration' and 'social development', is verified by high significant level and correlation coefficient ($r=+0.44$) and determination coefficient in regression analysis of these two variables shows that $r^2=0.18$. Therefore we can infer migration by 18.2% specify dependent (development) variable changes.

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Introduction

Migration is a phenomenon that has been considered permanently from ancient times until now. Yet, in the contemporary era its forms and extent have changed considerably. During 20th century especially the last decades, migration to foreign countries as an important Sociodemographic phenomenon has been taken into consideration and was increasingly studied by sociologists and demographers. Social scientists by multidisciplinary approaches tried to discover patterns, processes, determinants, and consequences of migration. Initially it was performed by theoretical works, but latter foreign migration phenomenon was studied through empirical and field census to answer questions about immigrant's characteristics, reasons and effects. Also, Iran has been one of the immigration and foreign refugee centers in the last several decades and still a number of these people live in this country, so that the result of census in 2006 reveals 1300000 immigrant and foreign inhabitant in Iran. These immigrants beside a considerable number of illegal immigrants have some economical, social, political and demographical consequences for the country. Therefore in spite of long history and numerous immigration and refugee movements there is no comprehensive study about their consequences in the source and target societies and even immigrants from Iran neighbors in the respect of identifying economical, social and demographical characteristics of foreign immigrants

in Iran. The results of demographical census only established the number of foreign immigrants in the country.

Statement of the problem

Migration is a dynamic process that is the result of changing social conditions in which impacts on entire society both in the source and target country. Migration is the most complex item among demographical factors in determination of dimension and structure of population. Because two more phenomena namely proliferation and mortality have specific biological dimensions, are easily measureable and controllable analytically. But migration is different from proliferation and mortality in which they occur once and in a specific time and place. Migration at least requires two points in each dimension and it might occur frequently in the lifetime. Therefore it is better to consider migration as a demographical process to study the demographical phenomenon of migration and cross borders movements, even though it is rooted in the history but it is half a century that has been developed rapidly. Today international migration plays a fundamental role in population dynamicity, market balance, development and acceleration of renewal processes and globalization, intercultural communication of source and target countries. Based on the importance of international migration, some prominent scientists in this field such as David Colman (2006) discusses the occurrence of third

demographical transmission and considered international migrations as a motive for these transmissions. He states that these facts influence on changes in the texture and demographical composition especially in the European countries and refers to the advent of migration era. Also Stephen Kastelz and Mark Miler(2003)reported five major characteristics of migration era as: globalization of migration, acceleration of migration, differentiating migration, feminization of migration, and migration policy.Hence, different international migration activities as a dynamic element are increasing in the globalization era. Therefore, governments and researchers are more interested in analyzing the bulk of emigrational activities and evaluation ofimmigrants' social and economical statues. In spite of these increasing tendencies, still there is not enough data to do such evaluations. One part of lacking or deficiency of data in developing countries like Iran is due to the lack of emigrational organizations or lack of responsibility and resources. The other part refers to complex nature of measuring migration. As Iran has been dealt with foreign migrations and movements during the history, but it is the contemporary era in which added to its dimensions, importance and complexity. In the last several decades, Iran transmitted immigrants to the other countries (Iran's immigrant transmission activity) and also encountered by emigrational activities from other countries especially neighbor countries (immigration activity to Iran). Nowadays Iran is considered as one of the main immigration and refugee centers in the world and foreign immigrants constitute a part of demographic context in the country. Since departure of a part of Afghan and Iraqi refugees to their countries in the recent years, according to the demographical census in 1996 about 1.3 million immigrant and foreign inhabitant live in Iran. Inhabiting foreign immigrants during two or three last decades in Iran aroused economical, social, demographic and political consequences both to the immigrants and Iran's society.

Significance of the study

Migration is considered as an effective phenomenon on development and changing in the population and not only in the respect of special dimensions but also temporal dimensions. Also migration is the result of changes in the context of society in which people live (changes in the culture, social and economical conditions and also political structures).By the way Michel (1985) states that migration should be considered not only as a phenomenon, event or situation for practical study, but also as a meta-phenomenon event for situational

conditions in which people live (Lucas & Meyer 2002).

International migration as a fundamental phenomenon in the man history is changed by nature in the contemporary era and today in quantitative and statistical stance foreign immigrants are considerable, so that during 1965 and 2000 the number of international immigrants has doubled and increased from 75 million to 150 million people. Also United Nations in 2002 estimated that 185 million people have lived at least for 12 month in a foreign country other than their home country (Kastelz and Miler, 2003). In fact around three percent of world population live in a country the have not born in (UN 2002). In addition to this number in 2000 around 12.1 million refugees was reported in the world. Meanwhile Afghanistan with 2.6 million and Iraq with 572000 refugees are respectively first and second countries in immigrant transmission and Iran has been the most immigrant receptor from these countries. In this way Filip and Jones (2002) based on estimations showed that Iran has been the greatest refugee receptor in the world by having 1.5 million Afghan refugees in 2000. Political instability, lack of security, ethical conflicts, poverty and economical pressures caused forming processes and migration patterns from neighboring countries to Iran. Therefore Iran had the most important refugee reception policies up to the recent years. But during 1990s, Iran changed its policies from reception and assimilation to active intervention to prevent emigrational activities or preserving them across borders and also in the respect of Afghan refugees has taken deportation policy.Expending heavy costs on refugees played the most important role in changing these policies (Kastelz and Miler,2003). Based on conditions of refugee return in the recent years, still there is no policy entitled as refugee or homeless in Iran, by the way we can consider the entire population as immigrant in administrative and political discourse. Therefore, international migration has changed to an important subject general policies and discussions in domestic and international arena. In the respect of international arena various international organizations, unions and conventions directed their activities to this subject. Also in domestic arena migration policy became one of the major policies of the country that governments are responsible and trustee to do them. Migration policy is a set of purposes, strategies, approaches, behaviors and activities generated by government in the respect of emigrational activities and conditions of immigrants that is applied in a society. The basis of such emigrational policies in the recent years in Iran is emigrational data and analysis. In fact, having good data and suitable analysis play the most

important and pivotal role in policy making processes. Because as Kritez (1987) states a national policy making system should be based on interactions of emigrational experiences, data, emigrational analysis identifying situations, immigrants characteristics and emigrational policy making, since in the management and emigrational policymaking the basic principle is understanding immigration phenomenon, situation and immigrants characteristics. But the question is how such emigrational knowledge and understandings will be achieved? In developing countries such as Iran in which lacks any emigrational organization responsible for data and registration of immigrant characteristics, the most important statistical source for foreign immigrants and their characteristics is demographical census.

Iran's demographical census results show that still statistics published about the bulk of foreign immigrants. Based on censuses the number of foreign immigrants in Iran in years of 1956, 1966, 1976, 1986, 1996 has been 44769, 57115, 178911, 852507, 1004776 person respectively. Also in 2006 around 1.3 million foreign inhabitants was reported in Iran. In spite of reporting the number of foreign immigrants in Iran, still there is no report and analytical findings about their economical, social, and demographical characteristics. Zanjani (1992) states that one of the main deficiencies of Iran's census data in the respect of foreign immigrants is limitation of demographical information.

The purpose of research

- The main purpose: Study and analysis of laws of immigration and immigrant transmission and identifying its influence on social development.
- Specific purposes in section survey analysis: Analyzing the relationship between migration laws and social development through measuring characteristics of literacy, job, housing, and identifying immigrants influence.

Background of the study

The most traditional attitudes of development that is classified under the economical development from 1975 onward is crystalized in the respect of sustainable development considering other dimensions of development.

Adam Smith is one of the first developmental economists and his book *the wealth of nations* in 1776 was the first dissertation about economical development (Zahedi, 2003, p.111). By publishing this book classical economists started to discover the resources for economical development and analyzing the process of long-term economical change. After World War II, development was introduced again as

a main issue in economic. By the way in the last years of 1940-1950s the period of new economical development starts and considers the developmental issues in Asian, African and West-American countries. Development pioneers that are the first generation of developers aimed at rapid development of countries by presenting patterns and strategic plans (Meyer and Seers, 2007, p. 28), but failure of western development patterns in these societies directed scientist to other dimensions of development. Therefore, a new study of development regarding social development is generated by middle generation of developers from this time onward.

From 1975 onward by criticizing the ideas of pioneers and middle generation of developers, development studies is not any more ad hoc and is systematic, therefore development studies are considered in multidimensional moods and in the sense of sustainable development (Zahedi, 2003, 84). Studies show that there have been various drawbacks on the way to reach development, in this way migration especially extreme migration that followed development programs in the developing countries is of factors that specifies underdevelopment of these societies. Todaro studies in African, Asian, and South-American societies show that in spite of differences in the culture of these societies, economical situations, social and political organizations they have common characteristics that are barrier for development. He classify these barriers in 6 groups and in this way considers extra immigration than job opportunities as underdevelopment for developing countries and considers it as intensifying factor for underdevelopment countries (Todaro, 2004, p.285).

Seli Findlei in his studies found that economical impacts have a close relationship with movements of immigrants. Immigrants having more education and income also have higher economical movements in which it has a positive impact on welfare. But in contrast, less moving immigrants that consists of unskilled and poor workers have less opportunity to find a job or they will be employed in low works. This type of immigrants are in a lower level in the respect of welfare (Lahsanizade, 1979, p.65-68).

Theoretical framework

The foundation of this study is based on dependence theory. This theory that in the major views considers social issues is the result of opposition school and in spite of functionalism school do not consider the base of society on agreement and social balance, but considers society as the arena of contradictions and racial struggles. This view point in which consider underdevelopment of developing countries to their dependence to

developed countries also specify the new form of migration to this dependence. Based on these view points one cannot divide the reasons of immigration from its impacts therefore it pay attention to migration as negative influential factor in development.

Dependency theorists consider migration as an obligation in which is the result of lack of development in an environment than other environments and dependency of non-capitalization sector to capitalization sector that is a colonial issue and lead to more underdevelopment (Lahsaezade. 1979, p.22). Although dependency ideas are general and restrict the possibility of local and regional planning, but they are more accordant with other social theories in explaining migration and its effect on the real situation of the country, because Iran was on the path of development before revolution in the case of universal capitalism. This process was going on by adjustments and in comparison with regional correspondents (Hazbavi, 1995, pp. 21-22). Based on this idea in the understudied region referring to documents it is inferred that before revolution migration was influenced by Land Reform that was a western pattern. Also after revolution, migration was influenced by recession factors (increasing the population of villages for hygiene considerations and consequently additional labor) and subsequently the number of immigrants increased in this area. Based on this idea, such migrations lead to unequal regional development and consequently slow down development.

Refugee rights in international system and laws of Iran

Generally, refuge as a characteristic of international vitality is inherent to a place or a geographical area and it is the result of unrest, conflict and crisis in most of the world that forced millions of people to leave their homeland. On the other hand, increasing the level of economical and social disagreement among counties and different nations and also violating behavioral standards by governments toward their society are best reasons of migration. But one can consider increasing of refuge a political phenomenon in which refugees are victims of aggressive foreign policies, war, intolerance to accept opposite ideas, force and pressure that are used by other countries as means of foreign policy to restrict other countries. During years after victory of Islamic Republic, Iran influenced by two prominent issue respecting refuge in the region and among neighboring countries. First, wide migration of Afghans refugees to Iran was the result of ethical and religious relationships with Shiite of Iran. Although before 1987 coup in Afghanistan rush of seasonal

workers was a regular phenomenon, but numerous number of homeless population spreads over Iran and consequently lead to many social, political and economical problems for Iran. Second, Iraqi refugees migrated to Iran from southern and western borders after Iraq war with western countries and second war in Persian Gulf. Among Muslim countries Iran has the higher number of refugees from Afghanistan and Iraq by over 2.5 million immigrants. Pakistan has around 2 million refugee and is the second refugee receptor in the region, then Sudan by .5 million refugee is the third country in refugee reception.

The concept of refugee in the system of international law

The term 'refugee' is a specialist term that means an escaped person that try to leave his country for personal and social intolerable conditions. His destination is not a specific individual, but he/she leave for the sake of safety and liberty. UNHCR statute, article 6 and 7 defined the term refugee. Based on this definition each person for the reason of ethic, religion, nationality or political opinion and by reasonable fear of prosecution outside of his country or if she/he is not resident and also live out of his original home land and for these reasons is not interested in support from his/her hometown country or even is not resident and cannot return to his homeland is referred to as refugee.

Who can be refugee?

1. Criminals who are condemned in just court by justified judgment, having attorney to escape the prison, leaving the country are not considered as refugee, but political activists that are regarded as criminal for political and non-political issues and are followed by prosecution either guilty or innocent can request to be refugee and/or are considered as refugee.
2. Women might be persecuted for political activities, religious issues, racial, and ethnic relationships. UNHCR states that one who treated by inhumanity behavior or discrimination can be refuge. In 1984 European Parliament members concluded that women who are offended by inhumanity behaviors for the sake of violating social rules are considered as social specific groups and can be refugee. United States, Canada, Switzerland, Netherlands and Germany follow this rule. According to the laws of French, Canada, and United States desecration is a kind of hurt, and a women who leave the country fearing desecration, has the right to be refugee.
3. Violating regular rules of a country and disregarding public laws that is required to be punished by jail or other can not offer to be refugee.

For instance, demand note debt criminals can not order to be refugee.

4. Individuals who took part in criminal war and public invasions such as mass murder can not propose to be refugee.

5. Each country has the right in the war time invite its residents to military service. But residents should have the right of protest. In the cases in which there is no right to protest and disputes gradually endanger international restrictions, those who leave the country fearing prosecution such as political activists have the right to be refugee. This rule has been applied while Vietnam War.

The concept of refugee in Iran's domestic law

Article 1 of Refugees Regulations approved in 1953 states that refugee is a person that is accepted in Iran for the sake political, religious, racial or membership in specific social groups by the consequence of fear of existence danger and punishment of himself/herself and his or her family. Regarding the reason behind being a refugee in the convention about refugees' state in 31 January 1967, that Iran became a member of this convention, there is a little difference between these two regulations. First, in 1967 convention issues regarding race and nationality is stated, while in 1953 convention the term 'nationality' does not exist, and only racial reasons are mentioned. Second, according to refugees' regulation fear of existence danger and punishment of family members is a reasonable cause of accepting refugees, but in the convention and additional note thereof only fear of punishment is stated. In other words, fear refers to the life of applicant and do not refer to family members. Therefore there is wider option in domain of refugee regulation, and as refugee regulation is not rejected and still is acted upon and in the other hand Iran's government is attended to the UNHCR convention, therefore this regulation is interpreted as "Refugee refers to a person that is accepted in Iran for the sake political, religious, racial, nationality or membership in specific social groups by the consequence of fear of existence danger and punishment of himself/herself and his or her family." The fear must refer to life not wealth. Therefore no one can apply to be refugee in Iran regarding the fear of taking over his/her wealth by the homeland country. Fear in which is the reason to be a refugee refer to fear of person in that country, not other countries. Therefore one can apply to be refugee in Iran whose life of himself/herself and his/her family is threatened.

Geneva 1951 Convention about Refugee Status

Doubtless Geneva 1951 Convention about status of refugees is the main refugees' law resource

in international law charter. This convention was approved after Plenipotentiary representatives' conference that was established according to the resolution 429 of general assembly. Despite temporal and geographical restrictions, this convention became universal and international. Though some parts is completely dependent on after war conditions, but still remained one of the most valid international criteria related to refugees and to the current time more than 120 countries accepted it. This convention requires international cooperation and hopes all countries consider refugee issue as social issue and humanitarian case and do not dispute and conflict over it in their relationships.

1967 Protocol about refugees states

1951 convention was temporally restricted to events before first, January 1951 and was geographically limited to Europe continent. This issue had raised some problems and therefore an international meeting was held in Italy entitled as "conference of analyzing law features of refugee issue" and by the requirements of this conference a series of changes was performed in this regulation.

Human right's universal announcement

One of the main principles of human right's announcement is that human being must enjoy human right and basic freedoms without discrimination. In conditions that there is not possibility of enjoying the basic rights and freedom leaving the country is legal and applying to be refugee in other countries with better conditions of life is of human right principles. Also in Islamic sharia refugee right is lawful. For instance, verse 6 of Surah of Repentance shall be considered as the clearest reference to refugee issues in Quran. According to the explicit content of this verse each Muslim is allowed to refuge each Non-Muslim person or even blasphemous in war time in the Islamic land. In Islamic law 'refugee Mostamen' involves two basic and important points. First, bestowing refugee right is sacred, as it is rooted in the Holy Book Quran and tradition, then never one can return a refugee to his home country at all.

Refugee rights in Iran's legal system

In Iran refuge depends on systems of Ministry of State and by having the following conditions one is regarded as refugee:

1. Passing individuals from a border line to lands of Iran
2. Applying to be refugee by a foreign person inhabited out of Iran
3. Applying to be refugee by foreigners inhabited in Iran

Consideration of refugees issue is common responsibility of Ministry of state and Ministry of Foreign Affair. By accepting the refugee application from Iran's government, refugee receives accommodation certificate. The certificate is a document of one's identity that is registered in refugee's residential police office, and each time needs to be renewed. Of refugee rights according to 1967 convention the following cases could be referred to:

Accommodation permission: the most important legal factor in accepting refugee is accommodation permission. One whose application is accepted has the right of residency in Iran and in this case they should be treated the best behavior. **Freedom of movement:** refugee accommodation certificate not only is the accommodation permission in Iran, but also is a permission to freely transport inside Iran, by the condition of respecting regulations for foreign refugees. **Ownership right:** one of the cases in which confirmed by UNHCR is right of owning moveable and immoveable properties. Article 13 of convention appointed that member of UNHCR in the case of owning moveable and immoveable properties and other related rights and also in the case of rental contracts or other related contracts about owning moveable and immoveable properties should be treated as good as possible. According to the acquisition regulations of foreign residents in Iran approved in 1948, if foreign residents wish to buy an estate for residency or industrial activity the must send the announcement of registration of that estate to the general registry office of the country.

The right of referring to the court: each refugee should be the right of referring to the judicial court and there should be no difference between them and residents of the country. Paragraph 2 of article 16 of convention about refugees appointed that each refugee in the land of government in which is his/her regular residential place in the case of availability of courts such as judicial complaints and underpaying of judicial sum would be enjoyed the same rules that is appointed to common residents. **Social insurance:** enjoying social insurance is another refugee right that is approved in UNHCR and according to the article 24 of convention if a refugee die by the consequence of an event or illness insulted by job, the government is required to pay the blood money.

Freedom of religion: freedom in establishing religious obligations and religious education to children is an issue to be considered in the UNHCR convention and according to article 4 of members of convention in their land are required to have a behavior with refugees in which is appointed to the

common inhabitants in the respect of religious freedom or teaching religious to their children.

Migration development based on mentioned theoretical model.

Migration is a phenomenon that influence on development and conversely in influenced by it (mutual relationship) dependency theory that shaped by development critics from 1975 onward is the common aspect of underdevelopment ideas and migration in developing countries. Pole Baron and Andre Gonderfrank are pioneers of this theory in development discussions. Also Samir Amin and Pole Senijer are funs of this theory in discussions about migration that we can refer to their ideas.

Research hypothesis

Based on the dominant theory in this research (dependency theory) a major hypothesis is stated that is to identify the effect of migration on quality of social development in this province, and also analyzed the relationship between migration and various dimensions of social development that is represented by some hypothesis. As all immigrants don't effect on social development the same, therefore different types of migrations such as migrations by economical and non-economical incentives are evaluated in accordance with social development and these variables are stated in the form of minor hypothesis.

Major hypothesis

Probably there is relationship between migration and social development.

Minor hypothesis

1. It seems that there is relationship between migration and literacy (level of education).
2. It seems that there is relationship between migration and job.
3. It seems that there is relationship between migration and housing.
4. It seems that there is relationship between previous residential location of immigrants and social development.
5. It seems that there is relationship between migration distance of immigrants and social development.
6. It seems that there is relationship between migration incentives of immigrants and social development.

Methodology

In this study documentary and survey research are used. Type of research: in the respect of typology this research is classified as fundamental and applied

research. Data collection method: the method to collect data in this research is tables of census to obtain the number of immigrant population and information related to housing and questionnaire. Population and sampling: the statistical population in this study is all of immigrants and 400 individual to apply survey research. Statistical unit: statistical unit of this study is entire immigrants. Sampling method: samples are selected by non-proportional and random sampling methods.

Data analysis

Based on data obtained from censuses table about population and housing in this documentary research, description method is used and data in the survey section was analyzed using descriptive and inferential

statistics by the level of evaluation that included mode, mean, standard deviation, variance, skewedness and ... in one dimensional table and K square test, Kramer coefficient, Spearman rank correlation coefficient, Kendal's rank correlation coefficient, t-test and regression, in bi-dimensional table in which all of the data was analyzed by SPSS software.

Testing hypothesis

In order to test research hypothesis according to the level of measurement (dependent variable in ordinal level and independent variable in nominal level) statistical testing K2, Kramer correlation coefficient, Kendal's rank and regression was use.

Table 1. Value of inferential statistics in testing hypothesis

| hypothesis | X ² table | df | X ² formula | V ² Kramer coefficient | Kendal's tau.c | sig |
|--|----------------------|----|------------------------|-----------------------------------|----------------|-------|
| 1.relationship between migration and social development | | 2 | | 0/414 | 0/440 | |
| 2. relationship between migration and literacy | | 2 | | ----- | 0/423 | |
| 3. relationship between migration and job | | 2 | | 0/262 | 0/277 | |
| 4. relationship between migration and housing | | 2 | | 0/249 | 0/271 | |
| 5. relationship between previous residential location of immigrants and social development | | 2 | | 0/368 | 0/345 | |
| 6. relationship between migration distance of immigrants and social development | | 2 | | 0/144 | 0/047 | 0/127 |
| 7. is relationship between migration incentives of immigrants and social development | | 2 | | 0/185 | 0/191 | 0/033 |

Table 2. Main factors in analysis of simple regression to predict dependent variable of social development

| Independent variable | R | R ² | Modified coefficient | Explicit AdJusted square | SE | F | Sig F | Beta | t | P |
|----------------------|-------|----------------|----------------------|--------------------------|-------|--------|-------|-------|-------|-------|
| migration | 0/427 | 0/182 | 0/180 | | 5/165 | 88/552 | 0/000 | 0/427 | 9/410 | 0/000 |

Interpretation of results

Result in table 1 show that the first five hypotheses are significant by 0.000 and are 99% valid. Hypothesis 7 of this research, relationship between migration incentives of immigrants and social development also is significant by 0.033 and 97% is significant. But hypothesis 6, relationship between migration distance of immigrants and social development that in fact measure relationship between migrations and social development with the level of significant of 0.127 there was no significant relationship, therefore this hypothesis was not valid. Results of table 5 shows regression analysis between two variable of migration and social development that is the major hypothesis of this research, having these values we can infer:

1. Based on F in the level of 99% sig=0.000 the calculated regression is significant.

2. T-test related to regression coefficient show the significance of this coefficient and its impact on y value.

3. The determination coefficient 0.182 shows that based on this value independent variable specifies 18.2 percent of our dependent variable and other changes are related to variables that have not been analyzed.

4. Based on Beta we can infer that migration impacts on social development and this impact is negative. In fact, increasing migration, decreasing social development.

5. By hypothesizing stability of other factors we can infer that by one unit change in migration, 0.42 unit there would be change in social development.

Conclusion

The significant relationship of 3 factor of social development with migration was measured separately. By controlling literacy in correlation coefficient test for migration and housing and migration and job we found that immigrants with lower literacy have greater negative impact on housing quality and job. By evaluating the impact of three factors we measured relationship between migration and social development that was verified by correlation coefficient of this hypothesis that was our major hypothesis. Therefore, based on correlation coefficient there is an average correlation between migration and social development.

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