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Sustaining Legal Design: Designing Legal Resources with Refugee Communities

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Abstract

Legal design can support the resettlement of new arrivals in Australia by creating legal resources that clarify laws or policy, complex legal processes, and ultimately support their ability to exercise their rights. Legal design has significant promise, though it has been hindered by a lack of empirical research, particularly in relation to working with culturally and linguistically diverse communities. A legal design project in 2023-24 with CatholicCare's Refugee Hub utilized the five step, participatory design process most common in the legal design literature. During the project it became clear that time, cultural considerations, and the role of service providers is an under-recognised and under-theorized role in legal design literature. This underscores that when working with culturally and linguistically diverse communities the design process must be flexible, patient, and may take more time than a typical funding cycle may allow. Further, it is essential service providers are approached as key partners in the design and implementation process to ensure the long-term success of the resulting resources. Strategies to maintain on-going relationships with service providers and engagement with the resource should be integrated into the process as the final design step - sustaining. Situating these considerations more centrally in legal design methodology and theory, and including this additional step, will help to ensure resources contribute to the broader goals of accessible justice systems.

Keywords: Participatory design, collaboration, cultural and linguistic diversity, migrants.

Introduction

In 2023, paid and volunteer service providers from CatholicCare's Refugee Hub began collaboration with the Newcastle Migration Research Network, based at the University of Newcastle in Australia. Refugee Hub supports 'people from refugee, asylum-seeker, and vulnerable migrant backgrounds to settle into life in Australia' (Refugee Hub, 2024). They

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provide educational support for youths and adults, specialized groups for men and women, help build pathways to employment, as well as supporting the cultural traditions of new arrivals (Refugee Hub, 2024). While working with these communities, service providers observed that people were frequently unaware of the laws that applied to them, their legal responsibilities, or the rights they enjoyed. This meant migrants and refugees were more vulnerable to exploitation, not always aware of pathways to support, and had interactions with the justice system which left them confused or fearful. Without being aware of their rights, the migrants and refugees they supported could not rely upon them when necessary. Service providers identified that a lack of understanding of legal issues was a key barrier to being comfortable and confident in Australia. Service providers wanted the communities they served (and were also a part of) to have access to easy-to-understand legal resources and a series of workshops in relation to traffic violations, what to expect at a domestic violence court appearance, and aspects of migration law.

The aim of the resulting collaboration between service providers and the University of Newcastle's Migration Research Network was to improve migrants' and refugees' understanding of the law and legal frameworks, with the ultimate goal that migrants and refugees could move beyond mere understanding and towards action. In other words, the goal of this joint venture was to improve members of these vulnerable groups' capacity to make informed decisions and use legal mechanisms when appropriate. The purpose of the research regarding this joint venture was not just to understand how the law (or lack of knowledge about the law) impacts migrants and refugees but also the protections it can provide and, ultimately, how these communities can speak into that system.

The first conversation between service providers and the Newcastle Migration Research Network began a longer legal design process that relied on the existing guidelines around participatory legal design (in particular Hagan, 2019; Hagan, 2020). Legal design is a 'theory of change and a set of methods' used to create a legal system that is more accessible, user-friendly, and human-centred (Hagan, 2020, p. 3). The over-arching goal is to improve access to justice by ensuring people understand the legal system they move within (Chung & Kim, 2023). To achieve this, a five-step process has been developed to clarify how legal innovation can be supported (see Berger-Walliser et al., 2017; Hagan, 2020; Moss, 2020). A participatory process presents unique challenges but is considered best practice to cultivate a human-centered process (Hagan, 2019; Bjögvinsson et al., 2012). This approach encourages the participation of diverse groups to identify significant justice issues, participate in a collaborative process of co-design to create innovative responses, and perform rigorous evaluations to ensure the innovations are usable. Research regarding the impact of legal design indicates that it can provide steps to achieve broader goals of accessing justice, but further research is necessary to better understand legal design's successes and limitations. A growing body of research suggests that contracts that include visual cues, or even a narrative (for example the comic-inspired contract) improve users' understanding of the material (Murray, 2021; Andersen & De Rooy, 2022). There is, however, only an emerging body of empirical work that examines how legal design works 'on the ground', which may not include contracts (see for example, Berger-Walliser et al., 2017; Bratteteig et al., 2015; as well as the edited edition by Ducato & Strowel, 2021). Even fewer studies have examined legal design's potential role in relation to supporting refugees' access to justice. This is despite the urgent need for refugees to be able to make informed decisions regarding legal issues that impact them (Harley & Hobbs, 2020).

This study investigates the process of co-designing community resources to support the understanding of legal frameworks by migrants from a refugee or forced migration background. In doing so, it contributes to an emerging body of research regarding the role of legal design in

ensuring pathways to justice are accessible to people from culturally and linguistically diverse backgrounds. It underscores that when working with culturally and linguistically diverse communities, the design process must be flexible, patient, and will take more time than a typical funding cycle may allow. Further, it is essential that service providers are approached as key partners in the design process to ensure the long-term success of the resulting resources. This includes collaboration for reflexive and iterative re-design of resources beyond the creation of the initial product. This is a sufficiently significant consideration that this article proposes it be integrated as an additional step in the legal design process, what we term 'sustaining', when working with culturally and linguistically diverse communities.

Unique Justice Needs of Refugees

Refugees are people who:
> owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themself] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it (1951 *United Nations Convention Relating to the Status of Refugees*, Article 1).

International frameworks, such as the 1951 Convention as well as the 1961 *Convention on the Reduction of Statelessness*, attempt to protect the rights of those outside the protection of their nation state. Generally, safety-net approaches to refugees – for example a camp – may provide some protections but fall short of the protections a citizen in the same country would have. To illustrate, refugees in camps are often not allowed to work (Stave & Hillesund, 2015) or to vote (Ziegler, 2017). Their ability to make decisions about their movements – either moving out of a camp, seeking asylum in the country of their choice, or returning home – is severely curtailed (Zieck, 2018). Refugees are recognized as being particularly vulnerable because almost all rights and legal protections emanate from the nation-state (Betts et al., 2013).

Camps are viewed as a stop-gap measure to protect refugees. While not all refugees live in camps run by the United Nations High Commissioner for Refugees (UNHCR), protracted displacement – 25,000 people living more than five years in a camp – is increasingly the norm. The average time spent in a refugee camp is now twenty years (Leeson et al., 2020). Recognizing camps are not temporary and legal need exists within those spaces, there are legal education programs in camps designed to increase the capacity of refugees to understand the legal protections available to them (Purkey, 2014; Jones, 2015). While there are situations in camps where refugees show considerable agency and capabilities to create solutions for themselves, what is achievable in camps is limited (Landau, 2019). This reflects the nature of refugee camps. For example, in the Bhutanese refugee camps, refugees had autonomy over the day-to-day function of the camps but lacked legal pathways to achieve their larger justice goal of repatriation: as stateless-refugees they were simply not able to access the justice pathways that could achieve that goal (Neikirk & Nickson, 2024). This suggests that legal education and associated legal design programs should have a role in refugee camps, though the outcomes may be modest due to the lack of foundational protections.

Most refugees in camps will never be resettled. Fitzgerald (2019) has compared the likelihood of a refugee resettling to 'winning the lottery'. For the few who do resettle, the gap between legal knowledge and the ability to exercise rights has the potential to diminish. While it may vary based on visa category, most humanitarian entrants into Australia who come through a UNHCR

referral are considered permanent residents on arrival (Department of Home Affairs, 2024a). This affords them many rights and protections, though they cannot vote and can lose their permanent residency status. They can apply for citizenship after a period of four years in Australia, provided they satisfy the residency requirements, pay for and pass a citizenship test, and attend an official ceremony (Department of Home Affairs, 2024b). While people may still identify as refugees, gaining citizenship is a key step in the process of gaining rights and privileges lost through exile. Of course, permanent residence and ultimately citizenship do not guarantee access to justice (Ziegler, 2017). Exercising rights is premised on an awareness of them, and enough confidence to call upon them. Research in Australia has found that even refugees who are permanent residents feel vulnerable in relation to Australian laws, legal systems, and expected behaviours (Deljo, 2000; Neikirk, 2023). Making laws and legal processes more accessible through legal design may be a way to support refugees resettling in Australia.

Legal design aspires to use human-centred design processes to improve how people understand and interact with legal systems (Hagan, 2020). This goal is inherently democratic yet, as Jackson et al (2022) observed, most legal design work has been based on solving corporation's legal problems. Irani (2018) argues further that 'legal design' is little more than a rebranding of product development, intended to further entrench inequalities rather than address them. Legal design may have begun with this intention, but it has grown beyond this. Projects such as the Eviction Innovation project in the United States explicitly attempts to improve the experience of people facing eviction through the creation of accessible resources (Stanford Legal Design School, 2024). The Eviction Innovation project applies legal design principles and processes to create accessible guidelines around the eviction process and improve how courts support people during that process. Similarly, Kim et al (2022) developed multiple easy to understand, accessible resources for people experiencing domestic and family violence during COVID-lockdowns. The Escambia Project in the United States used this approach to create an AI-driven resource which makes the ability to identify legal issues easier for service providers. This, along with linking service providers with clients and courts, were identified as key justice needs by the community who also participated in the design of resources to address them (Moss, 2020). This project found "co-design, done well, can empower communities" (Moss, 2020, p. 60). This is a promising finding, suggesting legal design can support diverse communities better understand their legal rights.

These projects mirror the transformative goals which design thinking aspires to (See Coops et al 2022). Though legal design appears to be gaining momentum, "[l]ittle exploratory research and even less empirical data exists to give guidance to legal practitioners, technological developers, academia and policy makers on Legal Design approaches, usage, applicability or effectiveness" (Toohey et al., 2019, p. 156). While these gaps are being addressed as the field matures, there is still a need for empirical research regarding the co-design process with culturally and linguistically diverse communities. This article focuses specifically on legal design in relation to a resource to support decision making in relation to the humanitarian visa stream to reunite families separated by conflict (see Appendix A).

Methodology

The core design team comprised service providers (from Australian, migrant, and forced migration backgrounds), an academic lead (from a migration background), and law students (from Australian and migration backgrounds). The academic lead, after listening to and spending time with the service providers, suggested legal design as an approach to address the

issues they observed. A broader, inter-disciplinary team of academics and practitioners provided feedback at various points throughout the design process. Collaborative, inter-disciplinary teams have emerged as a benchmark for collaborative legal design projects (Chung & Kim, 2023). Students involved in the design team self-selected after an invitation to all law students was shared by the academic lead. Similarly, the academic team developed organically from conversations with colleagues across the university. Different members were involved in different resources based on expertise.

The lead law student volunteered one day a week with Refugee Hub to ensure our team thoroughly understood the community's needs. The lead academic met with service providers at least once a month for one to two hours to build rapport, discuss the project, workshop emerging prototypes, and ensure the resources effectively supported them and their clients. The student team and lead academic met every month for feedback on emerging designs as well as workshopping ideas. Meetings between student designers and the lead academic also occurred after meetings with practitioners to discuss feedback on the resources. Emails supplemented the face-to-face design sessions. The resources received additional feedback from legal academics and legal practitioners, though we attempted to prioritize the design input of the Refugee Hub.

The projects were initiated by service providers, who are both trusted representatives of, and often members of, communities from a refugee or forced migration background. This project worked with communities that have been marginalized in the past and may continue to be marginalized in Australia. Considering the potential power imbalances between the research team, students, and communities – and in particular end users of the developed resource – multiple steps were built into the project to ensure participants had opportunities to shape and evaluate the process.[1] The project was approached as a collaboration, with frequent reiterations that we are sharing skills and knowledge. The lead academic deliberately avoided the word 'helping', rather describing the project as a partnership whenever possible. Other researchers have similarly found, 'concepts of mutual partnership ensured that the needs, perceptions and opinions of each person were considered, and no one person ruled over another, and no one person's knowledge was considered more important than another's' (Sharmil, 2021, p. 163). We employed an iterative consent process (Mackenzie et al., 2007, Hugman, Bartolomei & Pittaway, 2011) underscoring that access to materials and the possibility to participate in other activities was not dependent on participation.

This paper largely reflects the experience of the academic lead who is also involved in the design process. Coming from a background in anthropology, this project is influenced by their experience conducting ethnographic fieldwork and the broader goals of anthropology. Namely, hoping to understand people through collaborative processes, make knowledge accessible, and address real-life problems (Lassiter, 2005). These theoretical underpinning are also evident in the legal design framework. In turn, while the topics and areas in need of support were identified by service providers, how those issues were approached were shaped by the designer's own theoretical commitments (Kimbell, 2011).

This article is presented in narrative form, underscoring Schön's (1983) ideas of professionals' reflection-in-action or reflexive practice. It emphasizes, 'the relationship between creation and reflection-upon-the-creation that allows for constantly improved competence and re-creation' (Johansson-Sköldberg, Woodilla & Çetinkaya 2013). This project, both in terms of its overall goals and its practice, is solution focused (Cross, 2006). It is important to note that though this

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[1] This research was approved by the Human Ethics Research Committee at the University of Newcastle protocol #H2024-0045. It was conducted in the spirit of the Helsinki Declaration.

paper reflects primarily the academic lead's experiences throughout the process, the academic lead is not always the main agent in the design process. Across the resources, different people contributed expertise, knowledge, and helped develop solutions to complex problems. This reflects Buchanan's (1992) observations about the design process - while the work is collaborative and we had shared goals, participants had different perspectives of the design process. This article is limited due to being focused primarily on the perspectives of the lead academic and future work should aspire to put these different stakeholders in closer conversation during the writing process.

The Process

Most legal design theorists propose a five-stage design process, though emphasis and specific steps have changed, reflecting the further refinement of the implementation process as it has strived to be more stakeholder-centered (Brunschwig, 2002; Berger-Walliser et al., 2017; Toohey et al., 2019; Hagan, 2020; Chung & Kim, 2023). Hagan (2020) has proposed the following five stage design process: (1) Discover; (2) Scope; (3) Build; (4) Experiment; (5) Evolve. This model sets out a clear process and possible benchmarks. This five-step process lends itself well to a project management model and to a funding cycle. It also integrates the core aspects of a participatory process. In particular, taking time to listen and learn from participants, think and reflect, collaborate and plan, and then take action (Houh & Kalsen, 2013). This project employed a community led, participatory model which Moss (2020) articulates as an approach that works *with* communities, rather than *for* them.

1. Discover

The first resource designed (based on the priorities of the community) adopted Hagan's (2020) approach to legal design. In this conceptualization, discover is the first stage. This involves consulting with stakeholders, collaboratively discussing issues, and determining what has been done to address their needs. Berger-Walliser et al. (2017) notes the importance of this first step. Toohey et al. (2019) similarly emphasizes the importance of the end user both at the first stage and throughout the design process. Taking the time to understand user needs will lead to a more effective process and product. When consultation is not robust, when the time has not been invested to involve end-users, the product may not be fit for purpose. This research found that when working with culturally and linguistically diverse people from a refugee background, the foundational stage ideally should begin before the project officially commences. It is crucial that rapport is built, conversations are not forced, and relationships have been nurtured to co-design resources.

During the first stage of the project, we created an environment where stakeholders felt comfortable identifying areas of need. The lead academic had previously conducted long-term research in refugee camps and with refugees resettled in Australia. This track record helped establish trust and credibility. Further, the project was initiated by the organization – we were supporting their goals rather than imposing a project on them. They had expert knowledge which supplemented our own, it was an exchange of ideas. At times this meant being willing to be vulnerable during the design process – for the lead academic to be open about limits in their own knowledge, asking questions, and taking time to talk through what was unlikely to be achieved. These small steps helped ensure stakeholders felt comfortable providing constructive feedback throughout the process on graphic choices, scope, and wording.

The goal was to have human-centered, image-based resources to support the maximum number of clients. While migrants come from a variety of backgrounds and may have very strong English skills, the humanitarian entrants who are the primary clients of this organization tended to have very low English skills upon arrival (Department of Social Services, 2017). After

resettlement, all ages demonstrate increased language ability but, 'those who do reach a functional level of English may still need to use an interpreter or translated materials for particular circumstances, for example where there is more technical language' and in particular legal settings (Federation of Ethnic Communities Council Australia, 2016, p.16). There is literature exploring the link between English-language ability and employment (Khawaja, et al 2019; Hebbani & Khawaja, 2019) as well as the link with poor mental health outcomes (Nguyen, Slewa-Younan & Rioseco, 2023). The service providers we worked with had concerns that emerging English skills, coupled with new legal frameworks, led to significant areas of legal illiteracy.

The design team decided that easy to read, plain English graphics that included visual aids would be the ideal format. Visualization has been a driving design principle for several decades and is premised on the idea that visual cues can help lighten the cognitive load that legal documents or processes present (Brunschwig, 2002). This resource would be available online, but priority would be given to print resources. This underscores findings by other researchers that technology is not necessarily the preferred way to communicate legal design (Toohey et al., 2019). Our study suggests that resources which are physical and tactile, not screen-mediated, may be a preferred way to communicate for people with emerging English skills.

There is also an ethical dimension of any project which aspires to provide legal resources a community can use. There is a need to include the largest variety of voices possible while recognizing that some of the most vulnerable may not have the time, or the confidence, to speak into the process. Working on a project to create a plainly written, easy to understand legal document for offenders to understand their basic rights, Cols (2021, p. 299) observed, the design team, 'need the information from the field actors in order to understand the situation of the target audience of the document, the context of the communication of the document, and other context derived from real life experiences'. When working with people from a forced migration background, we found service providers have a key role as 'field actors'. This is not an instance of using a, '"stand-in strategy" to represent communities that are not really included in the design process' (Costanza-Chock, 2020). If service providers have long-standing ties with a community and a nuanced understanding of the needs which exist, they can be proxies in a way that a design team – even if they invest a year or more in cultivating a relationship – cannot.

2. Scope

The next step, scope, could also be thought of as problem-framing. This might include a process of reframing the problem, exploring where the issue begins and ends (Carlgren et al., 2016) as well as what is achievable. The scope step requires moderating expectations, a need to discuss how the larger problem can be tackled incrementally, as well as being conservative in terms of the project timeline. Particularly when working with communities who have multiple justice needs, it may be best to develop a modest resource to develop rapport and trust before tackling larger legal design projects. This also helps the design team better understand the dynamics of working with the specific community.

As noted previously, traffic violations, court processes, and migration pathways for their families were areas of acute need identified in the initial meetings. However, the other major resettlement organization in the region had recently lost funding for their migration lawyer. While Legal Aid NSW employs a traveling migration lawyer to provide intermittent advice, the loss of this role meant a considerable need for migration advice emerged. Refugee Hub became the only organization providing free legal advice to refugees day-to-day in the region regarding migration issues. This meant their case workers were quickly overwhelmed with new clients from refugee backgrounds and, facing their own funding shortfalls, struggled to support their

existing clients particularly in relation to making informed decisions regarding how to re-unite families who had been separated during resettlement or are experiencing persecution in their home countries.

Refugees who resettle in Australia through the UNHCR referral program generally arrive in Australia on a visa which entitles them to permanent residency (Department of Home Affairs, 2024c). Permanent residents of Australia can sponsor members of their family who are experiencing persecution to the degree they are no longer safe in their country. Service providers identified that there was a considerable amount of inaccurate information about this process when families resettle. Many assumed the process was a fast, guaranteed way to reunite their families. These assumptions were also held by the family members in the countries they fled, who hoped this would now mean they could access a safe country. In reality, after waiting years for a finding, few applicants are successful (Department of Home Affairs, 2023). Australia also takes a narrow view of immediate family, which does not always align with the communities' understandings. For example, a sister or brother would not be prioritized as immediate family – which causes confusion.

For those resettled in Australia, these misunderstandings about the available visa pathways led to considerable tension in families and communities. For their families still in unsafe other countries, hoping to reunite now that their sister or brother gained citizenship in Australia, the impression was that this visa was an easy, free (the Australian government does not charge a fee, though costs may be incurred in preparing an application), quick, and guaranteed pathway. The mistaken assumption developed that their resettled family members were deliberately denying them access to a resettlement pathway, rather than them not being eligible under the visa guidelines. Similarly, when service providers recommended alternative visas that did have a fee (often many thousands of dollars) but had higher success rates and speedier process, people did not understand why this was a preferable option. Partially, this is because existing resources are vague in relation to timelines and success rates – leading to unrealistic expectations. In an attempt to clarify misunderstandings and support the Refugee Hub during a period of acute need, it was decided an image-based booklet explaining in plain-English Australia's family reunification visa pathways was the priority project.

3. Build and Experiment

The build stage is perhaps the most exciting and engaging part of the project, as ideas start to fit together and all the planning meetings, conversations, and dialogue suddenly come alive in the form of a resource. The building and experiment stage are frequently conceptualized as two separate steps. The first, developing the resource (rough design and prototyping) and the second ensuring it is effective (experiment). There is a practical and conceptual value to having these steps split. However, we found them to be quite collapsed in practice. This may be because one of the student designers was with the community every week leading to on-going dialogue and frequent, small adjustments. It may have also been because the earlier steps in the process involved a high degree of reciprocal knowledge exchange. The building process was not siloed, but collaborative which may have merged the experimentation and the build steps.

One issue that did emerge with this collapse was project creep. Because feedback occurred through the build process, it can be harder to maintain the scope of the original project. Projects can become ungainly as too many issues are raised during the build and experiment stage. However, the benefit of this approach is the product reflects participatory principles and may help identify future projects to support access to justice. This underscores the link between the scoping and the build/experiment phases. Projects that seem to be going outside the initial scope of the project can be managed through consistent communication, the re-

stating of shared goals, and identifying emerging issues for future design projects. This process can deepen the partnership between the design team and the community stakeholders, emphasizing the long-term commitments to improving access to justice.

This process was started with the goal of having diverse views inform the product and for design decisions to be made in consultation with multiple stakeholders. Corrales et al. (2019) note this is best practice. There are important cultural considerations which can impact on the timeline of the design process and the effectiveness of the final resources. In some communities telling someone with a higher level of education, someone that is older, or someone with higher social status that their work needs to be improved would be viewed as entirely inappropriate. Culturally significant holidays and events can impact on the progress of the projects. During the discover and scoping stages, participating in these events can be opportunities to deepen relationships with the design team and the community being served. During the build and experiment stages, it is important to be mindful that people may have limited availability or interest in providing feedback on prototypes due to their cultural activities. For example, Ramadan may mean that consultation should be done in the morning, rather than in the late afternoon when people may be more tired due to fasting. Holidays are also a time for visiting family, which may involve overseas travel. This means the development of the resources can take more time and this must be built into a design timeline, particularly if it is grant funded.

4. Evolve – Proposing an Additional Step for Projects with Diverse Communities

The evolve stage involves where the refined product is piloted, implemented, and potentially scaled up for broader use (Chung & Kim 2023; Hagan 2020). After nearly a year of collaboration, our team felt ready to do the first pilot workshop for the accessible, easy to understand infographics with clients. Initially, we planned on addressing the need to support community capacity through workshops for the community. We would host a series of workshops explaining the resources to those who did not participate in the design process, answer questions, and provide the resources in multiple formats (digital and paper). Childcare was planned to support maximum participation and the date would be set by the community. However, before we could get to that part of the process, service providers identified that their capacity to provide on-going support for the community in relation to the resources needed to be developed. Reflecting on our own design process with service providers and communities from a forced migration background, this is a key component of ensuring long-term success of the resources. In other words, the design process needs to include a step which deliberately supports the capacity of people who will become the key 'legal navigators' in communities. In this case, it was service providers.

This is similar to Cols' (2021) finding while working with legal practitioners in the European Union. That program integrated a series of training modules to support on-going education around how legal professionals can write easy to understand documents for clients (Cols, 2021). We found in our own project that a significant number of the people who support the continued use of legal resources are not legal professionals. While Moss (2020) made a similar finding, we propose this is a particularly significant gap in the legal design literature and process. Through the design process, we discovered that these service providers were, in fact, legal navigators, helping new arrivals move through a variety of civil, criminal, and migration legal frameworks. To support the communities this project was designed to assist, we needed to ensure our navigators not only understood the tools (legal resources) we were creating but could also confidently share this knowledge. While projects are developed with the assumption that the design process is robust enough to be a stand-alone resource, this may not be the case, particularly when resources have been developed for and with people with emerging language abilities who are navigating a new legal framework. What many existing approaches

do not include is the need for on-going capacity building of the people who will be directly supporting the communities. This could be step six in the existing process: **sustaining**.

Sustaining might look like training modules which are free and accessible to service providers. It may also mean that on-going training workshops for service providers are mapped during the initial design process and scheduled throughout the year. Sustaining supports an iterative and ongoing model of collaboration where legal designers, service providers, and community members are provided with scope to continually engage with legal resources for the purposes of refinement and improvement. Legal needs change, as of course do laws, regulations, and policy and so legal design must be seen as an ongoing collaboration between stakeholders. This will mean that the collaboration between legal design teams and communities with complex justice needs should be approached as a long-term, on-going process.

Future Research

Though we are working on a suite of resources with CatholicCare's Refugee Hub, this article focused only on the first of those projects. It also reflects the experiences of working with only one community partner. While it hopes to contribute to a more robust legal design conceptual framework for working with people from culturally and linguistically diverse backgrounds, and people from a forced migration background in particular, this contribution is necessarily modest due to the size of the project.

While this resource has gone through the key design steps, as noted in this article, the process of co-design is far from over. Crucially, the broader community workshops are scheduled for later this year. These free workshops will include approximately 80 service providers and people from forced migration backgrounds resettled in Australia who self-select to attend. This workshop will be a key test of the resource's effectiveness in supporting people's ability to make informed decisions about the legal pathways available to reunifying family members who remain in countries which are no longer safe. People attending these workshops will be invited to speak into and provide feedback on the resource as well as complete an image-based survey regarding the resource. Further, later this year the resource being developed will be translated into the five languages which reflect the languages of the major refugee populations. This article does not include the process of translation, though that step will certainly provide more lessons.

This article focused on the design process, rather than the evaluation process though these are necessarily linked. The resource discussed here is being shared beyond Refugee Hub, with private migration lawyers, Legal Aid, community legal centres, and resettlement organizations in New South Wales. These are all organizations who serve a similar population. Future research could include surveys for the service providers who adopted the resource to determine if it supports their work. Further, a survey could be provided to end-users of the migration guide to determine if it supports their understandings of the visa. This will help determine if co-designing legal resources for people from a refugee background can be scaled up and shared across organizations or if an individualized, bespoke model is more appropriate.

Law students had an integral role in this project, and the lead student designer is included as an author due to her contribution. Students who joined the project expressed a desire to work with new arrivals in Australia by designing more accessible legal resources. Many came with experience working in a legal setting with resources they did not think were accessible to most clients. Future research could follow students who participate in the community-driven, participatory legal design project through a series of surveys or interviews spread across

several years. These could determine if the legal design experience impacted on their future career choices or ability to work with clients from culturally and linguistically diverse communities. This may yield important insights regarding the potential role of legal design as a course in law schools.

Conclusion

As demonstrated in the previous sections, when working with diverse communities with multiple, complex legal issues, time is perhaps the most important component of an effective design process. Time must be used to cultivate trust so that those with less power can feel confident to speak into the process and not just agree to proposals and be polite. Hagan (2019) has proposed "design sprints" as a way to quickly create collaborative legal resources, which can be built, tested and modified almost simultaneously. We must be cautious though, as design sprints may be very effective when working with a business partner, but less effective when working with community groups.

Time must be invested to ensure resources are fit for purpose, even if this introduces project creep. While project creep needs to be managed, when designing with diverse communities it can also be an opportunity to build deeper relationships and future collaborations; it is not necessarily a hallmark of poor project management. Time must be invested to ensure that the people at the frontlines – the service providers – are confident in explaining the resulting resource when questions inevitably arise. In other words, when we design with and for culturally and linguistically diverse communities, and particularly those from a refugee or forced migration background, timelines are important but should not artificially stifle the process of collaboration.

This research also underscores that the design team also needs to consider how the project is going to be carried forward: the product cannot be approached as the end of the collaboration. We recommend that the five-step process of legal design be expanded to six steps. This sixth step is sustaining. Legal needs change, as do laws and regulations. Communities change, too, and the legal needs of vulnerable communities will shift as their members become established and enmeshed in the local social landscape. New arrivals from forced migration and refugee backgrounds may present different cultural, linguistic, and other challenges to service providers from the communities that preceded them. Legal resources are not static documents but must be regularly assessed for accuracy and suitability and revised when necessary. This sixth step is an essential dimension to legal design, particularly when working with culturally and linguistically diverse communities.

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Conflict of interest statement and any funding acknowledgement

Appendix
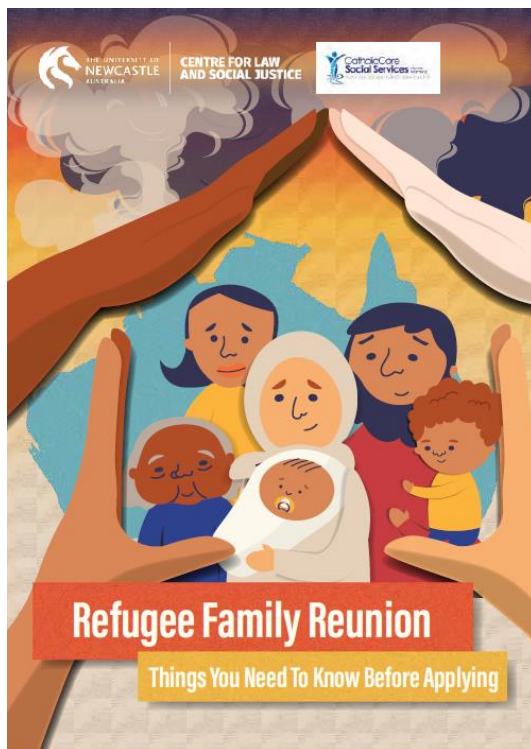
The full version of the Refugee Family Reunion guide is available via this link https://online.flippingbook.com/view/452468476/ or via the QR code below.