Gaming the System:
Reforming communication and legal literacy through gameplay

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Abstract: *Gaming the System* is a practice-based exploration into how the pro bono legal community can use games to bridge the justice gap faced by undocumented detained immigrant youth and to increase their engagement in the pursuit of justice. Of the 10,000+ children detained within the U.S. each year, many are eligible for legal relief but are not guaranteed legal counsel. Immigration law is one of the most complex legal codes in the U.S., and it's unjust that a child should have to navigate this labyrinth by himself without legal guidance. Games can make complex legal information accessible to a child so he can make more informed decisions and ask questions specific to his case. In *Make a Move*, a game that teaches youth about the release from detention process, the mechanics provide tacit lessons detained youth do not always learn and yet should apply in real life.

Keywords: serious games, citizen engagement, participatory learning, legal literacy.

Introduction

Gaming the System is a practice-based exploration into how the pro bono legal community can use games to bridge the justice gap faced by undocumented detained immigrant youth and to increase their engagement in the pursuit of justice. Although the U.S. government believes these children lack lawful immigration status and has initiated proceedings to remove each child from the U.S., many are eligible to successfully defend themselves against deportation and receive legal permanent residence. However, a child needs a lawyer in order to know that they quality to stay in the U.S. and to access the legal relief for which they qualify. More than 10,000 children are detained within the U.S. each year, but none are guaranteed legal representation. Immigration law is one of the most complex legal codes in the U.S., and it's unjust that a child should have to navigate this labyrinth by him or herself without any legal guidance. Playing content-specific games, particularly in the absence of legal advisement, can help immigrant youth understand their legal situation and actionable choices.

This installment of *Gaming the System* focuses on the design of a board game that teaches detained youth over the age of 12 about the release from detention process. A child who has just arrived at a detention facility feels alone, scared, and imprisoned. His first concern is about how to get out of the facility and then how he can stay in the U.S. In *Make a Move*, players take on the role of a detained immigrant child whose objective is to be approved and released from the detention center. In order to achieve this, players must meet with the case manager (a non-player character), choose a release option, and then traverse the board and land on designated spaces to collect the 3 key items required for that form of release. In the game, as in real life, the three release option choices are:

1. *Reunification* – choosing to be released into the care of family or a friend living in the U.S.
2. *Federal foster care* – requesting that the U.S. government find you a suitable foster home
3. *Voluntary departure* – returning to your home country without re-entry restrictions

Methodology

I am a game designer collaborating with Shalyn Fluharty, an immigration attorney, on the design, implementation, and assessment of this and future games for immigrant youth. We have tested our first game extensively with immigration attorneys, immigrant youth organizations, government immigration employees, juvenile facility staff, and children currently or recently detained. We will soon start assessing the knowledge acquired from the game with detained children at the Dobbs Ferry, New York facility. *Make a Move* and future games will be accessible online at AmigoLegal.org, a non-profit organization that creates and distributes Know Your Rights resources to immigrant children.

Design Process and Testing

The motivation for creating these games is to make complex legal information accessible to children and to address the huge justice gap faced by detained immigrant youth. Currently, all the information detained immigrant youth receive is from an authorized official if and when one is available. However,

a game can teach these youth the essentials of the release process and reserve lawyers' and facility staff's limited time for more complex questions and needs. After playing *Make a Move* a case manager commented, "When we explain, for example federal foster care, the kids have a lot of questions, they don't understand. We have to meet with them 1, 2, 3 times and explain. So if they play this game they'll get a lot of that information." By actively engaging with the information in a game, the players have a better chance of retaining the information than by just hearing it in a conversation.

The game mechanics provide tacit lessons detained youth do not always learn and yet should apply in real life—that he can choose how he is released, that concurrent planning is advantageous, and that being involved in his case and following up with his case manager, potential sponsor, or lawyer will help move the process along. In fact, in the game a player must first meet with the case manager (landing on the game space currently occupied by the case manager) before any progress can be made. At this first meeting a player finds out the details for the 3 release options by flipping over the envelopes in his submission packet. He must read over these options and choose which one to pursue by placing a cube on his selection. He can now take turns moving around the game board and try to collect requisite items for any of the 3 release options. This option to select one but pursue all 3 options represents a concurrent planning strategy that in reality is not employed enough. A player can also choose to change his selection whenever he meets with the case manager in the game, another fact unknown to most detained youth. Once a player has collected all 3 items for his selected option, he must seek approval for release from the authorities. In reality this is not automatic—there is circumstantial chance involved. The game thus requires a player to roll a high enough number on a die for a chance at approval. Then, approval and release from the facility is contingent upon the player reciting from memory the 3 items he collected for his selected release option. This game rule ensures that players are not just collecting but also remembering these requirements.

In testing the game we realized a stark difference between the reactions of never-detained immigrant youth and detained youth to the narrative game content. *Make a Move* has chance cards that give a flavor of events that could progress or set back your case. For example, there are consequences if you get into a fight with a child or staff member while in detention. The never-detained youth found this depressing and felt discouraged while playing. Worried about upsetting the detained youth, we removed the chance cards from their playtest, but then they inquired as to why such negative events were not part of the game. We then tested the chance cards with them, and while the setbacks upset them, the detained youth agreed that this version of the game felt like their reality. Based on this feedback we now provide two ways to play *Make a Move*—with or without the chance cards.

Conclusion

We discovered multiple uses for this game by testing with the immigration community at-large. Firstly, facility staff members see the game as especially useful for children when they first enter the facility since they are completely unfamiliar with the release process. Furthermore, facility directors want to use the game as a training tool for new staff. We also discovered that children who have been detained for many months still enjoy playing the game because they find it fun, and if they play with children who have recently arrived to the facility, they can share their experience and acquired knowledge with them. In this way the game provides a unique opportunity for children who are living together to interact with each other, something that currently does not naturally occur. Finally, teachers at schools with a large immigrant student body can play the game so that undocumented youth at risk of detainment are informed in the unfortunate case they are detained.

Gaming the System is introducing to the pro bono legal community the use of games as a new effective model for teaching youth (and people in general) their legal rights. However, it is important to acknowledge the challenges of representing real legal information and processes in a game. Interpretation is central to understanding the full extent of legal code and is based on the nuances of a case. Serious games can serve as excellent simulations of reality, but typically liberties are taken in order to focus the gameplay on a core message or evoking a specific type of emotion from players. In designing a legal game that actually serves as an applied learning tool we learned through many design iterations that the game mechanics should represent the fundamentals and not the nuances. It was easy to get caught up in the minutia, a place in which legal experts thrive, but this ultimately added too much complexity for a game that children could play with little to no facilitation. As we continue to create legal games for immigrant youth we hope that other legal practices will also catch on to the benefits of using games to communicate complex and systemic legal content.