From political opportunities to niche-openings: the dilemmas of mobilizing for immigrant rights in inhospitable environments

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From political opportunities to niche-openings: the dilemmas of mobilizing for immigrant rights in inhospitable environments

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Abstract This article examines how undocumented immigrants mobilize for greater rights in inhospitable political and discursive environments. We would expect that such environments would dissuade this particularly vulnerable group of immigrants from mobilizing in high profile campaigns because such campaigns would carry high risks (deportation) and have little chance of success. However, we have witnessed many mobilizations by undocumented immigrants in both Europe and the United States over the past 20 years. This article uses the case of undocumented youths in the United States (DREAMers) to examine how a group of undocumented immigrants have overcome important barriers and become a powerful voice for immigrant rights in the country. The article suggests that while undocumented immigrants faced inhospitable contexts, cracks and "niche-openings" they continued to present themselves to groups with the right set of cultural, legal, and economic attributes. Immigrants in possession of these attributes (in this case, youth) could target a niche-opening and argue that they are particularly deserving of legalization. This article also highlights an important dilemma: In contexts characterized by general closure and hostility, narrow mobilizations targeting niche-openings provide the only path to legal status for some, but they can also differentiate (discursively and legally) between "deserving" and "undeserving" undocumented immigrants. Differentiation can contribute to stratifying the immigrant population, with those deemed more deserving facing greater rights and entitlements and those deemed less deserving facing greater restrictions and repression. This carries the risk of magnifying normative and legal inequalities between immigrant groups while introducing many points of conflict within the broader immigrant rights movement.

Keywords DREAM Act · Immigrant rights · Social movements · Political opportunity structure

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In the past 30 years, anti-immigrant forces in the United States and Europe have argued that immigrants are a threat to the nation because they degrade its economic, social, and cultural foundations (De Genova 2004; Chavez 2008; Joppke 2007; Berezin 2009). Certain groups of immigrants have been seen as posing greater threats than others. For example, Muslims have been said to be problematic because their values and religious practices conflict with core "Western" norms of citizenship (Bowen 2006; Maussen 2009). Undocumented immigrants are also viewed as posing a distinctive threat because the existence of large pockets of foreign "illegals" violates norms of national sovereignty and the rule of law (van der Leun 2003; De Genova 2005, 2007; Anderson 2010). The stigma attributed to these immigrants has resulted in concrete measures to rollback rights and rollout countless repressive measures (Massey and Pren 2012). Social movement scholars would predict that the prevalence of hostile discourses, the lack of political opportunities, and enhanced repression would dissuade undocumented immigrants from engaging in contentious mobilizations to make rights claims (Giugni and Passy 2004, 2006; Koopmans et al. 2005). The risks of deportation would be too high and the prospects of a successful outcome too low to entice these immigrants to engage in high profile public protest. However, rather than turn away from politics and the public sphere, we find that undocumented immigrants in many countries have engaged in public mobilizations to advance their rights claims since the 1990s (Siméant 1998; Iskander 2007; Laubenthal 2007; Benjamin-Alvarado et al. 2009; Anderson 2010; Voss and Bloemraad 2011; Nicholls 2013). In certain cases, protesting immigrants have even succeeded in generating resonance for their cause and pressing governments to consider granting an exemption from restrictive immigration laws.

This article examines how stigmatized groups like undocumented immigrants make rights claims in spite of the many political and discursive obstacles facing them. It does so by examining the campaign to legalize the status of undocumented youth in the United States (i.e., DREAMers). It addresses two interrelated questions: First, what avenues are available for stigmatized immigrants to make basic rights claims in inhospitable environments? Second, how do certain groups of undocumented immigrants create legitimacy for their cause in restrictive contexts?

The article addresses these questions through the following argument. In spite of important discursive and political barriers facing undocumented immigrants, legal, political, and moral ambiguities have continued to produce narrow niche-openings for some undocumented immigrants with favorable legal and cultural attributes. Rather than national citizenship being closed to *all* undocumented immigrants, certain groups within the general population are better placed to argue that they deserve basic rights in the country (Coutin 2003; Menjívar 2006; Chauvin and Garcés-Mascarenas 2012). This reflects what Chauvin and Garcés-Mascarenas (2012, p. 243) call an "emerging moral economy of deservingness". In the case of undocumented youth activists, they and their allies have responded to narrow openings by highlighting the qualities and attributes that make them into exceptionally good and deserving candidates of legal status. When effectively crafted and articulated, arguments about a group's exceptional qualities enhance public support for their cause and help provide a pathway to rights and recognition. The niche-openings identified here therefore provide traction that permits small, potent mobilizations to surface during long periods of political closure. When big political opportunities open

up, activists previously engaged in smaller mobilizations can scale up to press for broader and more comprehensive reforms.

The article stresses that this pathway of mobilization is fraught with strategic dilemmas that are not easily resolved (Jasper 2006). For immigrant rights advocates, it provides the most likely path to legal status for some immigrants in the face of hostility and political closure. It can also serve as a "stepping stone" for the legalization of other immigrants because openings for one group (e.g., youths) can be used as leverage to gain residency rights for others (e.g., parents and families). The central dilemma examined here is that such mobilizations may open the door for some but they may also introduce new forms of exclusion for others. Claims to legal rights are oftentimes made on the basis that the group is in possession of scarce legal or cultural attributes. The argument is that the possession of these attributes is what makes them exceptional and deserving, which reinforces the discursive binary of "deserving" and "undeserving" immigrants. These discursive categories can become the basis of real legal categories. If policymakers respond favorably to the deserving group, they create restrictive criteria to limit who qualifies (e.g., fees, age restrictions, language requirements, education, etc.) and often couple legalization measures with measures to enhance enforcement against other immigrant groups. The new legal category is therefore designed to include some (deserving) but it can also contribute to raising barriers for others (undeserving). The central dilemma is that these mobilizations keep the struggle for immigrant rights moving forward during inhospitable times but they can also help differentiate and stratify the undocumented population by their degree of deservingness. When real political opportunities present themselves, such differences can introduce difficult conflicts among immigrant groups.

The article consists of four parts: The first part provides the reader with a general overview of the literature on immigrant rights movements and lays out a theory to explain how undocumented immigrants can achieve a legitimate voice in hostile contexts. The second part examines anti-immigrant hostilities in the United States and the niche-openings that have developed for immigrants with certain favorable attributes. The third part analyzes the discursive strategies to create an "exceptional immigrant." The fourth part examines how the fierce struggle to gain inclusion for some immigrants has contributed to differentiating the population and introduced important dilemmas in the immigrant rights movement.

Niche-openings and exceptionalism in exclusionary citizenship regimes

The scholarship on immigration politics has maintained that opportunities for making rights claims are shaped by the political and discursive opportunities of receiving contexts (Ireland 1994; Garbaye 2005; Koopmans et al. 2005; Giugni and Passy 2006; Bloemraad 2006). The article continues in this vein but introduces an important theoretical caveat. It suggests that while general closure limits the opportunities for marginalized populations like undocumented immigrants, inhospitable conditions do not shut down all possible avenues for political mobilization. Because liberal-democratic political systems are complex and filled with many internal contradictions, even the most hostile contexts produce countless cracks and fissures that can serve as narrow niche-openings for some immigrants (Joppke 1999; Coutin 1998, 2003; van der

Leun 2003; Menjívar 2006; Chauvin and Garcés-Mascarenas 2012). Because these openings are narrow, not all immigrants possess the right set of attributes (cultural, economic, legal, etc.) needed to respond in an effective way. Smaller subgroups possessing the right set of attributes can take advantage of openings and press forward with their rights claims. Thus, the concept of niche-openings helps explain how contentious struggles continue to power on in times when no big political and discursive opportunities exist. The concept demands a shift in attention away from big, general, and rare political-discursive opportunities and towards the narrow, nuanced, and interstitial openings that make up the political worlds of marginalized groups.

Inhospitable contexts

Citizenship regimes are the outcomes of long historical struggles over how rights and duties should be distributed within political communities (Brubaker 1992; Mann 1993; Alexander 2006; Berezin 2009). In the nineteenth century, emerging ideas concerning rights, duties, and membership coincided with the rising prominence of nationalism as the principal ideology for creating political communities (Mann 1993). This resulted in coupling nationality and citizenship. Nationality became a condition for recognition of full membership within communities of free and equal citizens (Arendt 1973; Mann 1993; Benhabib 2004). Citizenship regimes therefore emerged as exclusionary political communities because the *nation*-state assumed the primary responsibility for distributing basic rights. This has meant that the extension of formal citizenship to out-groups does not guarantee equal rights, privileges, and treatment. These groups may continue to possess attributes that disqualify them from full equal membership in the community. For example, Muslim immigrants in Western European countries have gained access to formal citizenship but many Europeans do not recognize them as "true" French, Germans, or Dutch. Their continued otherness results in the suspension of basic rights (e.g., building mosques, expressions of religious affiliation, right to free expression, etc.), targeted surveillance and repression, and restrictions on public speech (Bowen 2006; Maussen 2009). Even when formal citizenship is extended to stigmatized groups, informal understandings of citizenship based on common belonging in national community often persist, resulting in exclusionary tendencies that deprive groups of equal recognition, rights, and privileges.

Much of the recent literature on immigration politics suggests that national citizenship regimes in the North American and Europe have presented new restrictions on the rights of immigrants and introduced important barriers for these groups to engage in contentious political activities in receiving contexts immigrants (Agamben 1998; De Genova 2004; Joppke 2007; Chavez 2008; Berezin 2009; Raissiguier 2010; Massey and Pren 2012). Immigrants face increasingly inhospitable environments characterized by the proliferation of stigmatizing discourses, the rollback of basic rights, and the rollout of repressive measures to detect, detain, and deport undocumented immigrants. These inhospitable environments have presented undocumented immigrants with formidable barriers to press their rights claims through public protest in national citizenship regimes.

A number of scholars have stressed the discursive and normative barriers facing immigrants. Because rights have been tied to national citizenship, natives do not recognize immigrants as full rights-deserving human beings (Rancière 1992, 2007; Ngai 2004; Raissiguier 2010). In Hannah Arendt's terms, immigrants lack the "right

to have rights" in *national* citizenship regimes (Arendt 1973; Benhabib 2004; Bosniak 2006). Rather than being "persons" with *inalienable rights* protected by a system of law, they are "aliens" whose rights are governed by the arbitrary decrees of the state (Agamben 1998, p. 76). Classified as foreign "aliens," the suspension of fundamental rights is not viewed as morally outrageous (Jasper 1997) because immigrants are not national citizens and are therefore not recognized as bearers of inalienable rights. In this discursive context, it has been difficult for immigrants to gain support for claims that their basic rights have been unjustly violated by the state. Furthermore, the rapid development of the "immigrant threat" discourse has provided many nationals with a strong justification to suspend the rights and entitlements once accorded to immigrants (Chavez 2008; Massey and Pren 2012). Many nationals have viewed the suspension of rights and enhanced repression as a reasonable way to eliminate the pull of immigrants to receiving contexts.

Undocumented immigrants face additional discursive barriers because they bear the stigma of "illegality" (De Genova 2004, 2005; Inda 2006; Brader et al. 2008; Chavez 2008; Massey and Pren 2012). As aliens who are in the country "illegally," nationals have difficulty conceiving this particular group as deserving basic rights and entitlements in the country. The term "illegal" also denotes a violation of national boundaries and sovereignty, and the incapacities of the state to assert law and order in the face of an "immigrant flood" (De Genova 2004, 2005). Reasserting lawfulness and control over borders depends on rolling back the rights and entitlements that permit "illegal" communities to flourish. While there are important sociological and legal differences within the undocumented population,[1] anti-immigrant advocates also use the stigma of "illegality" to blanket over such differences. Their "illegality" is the common denominator that makes all undocumented immigrants into an equal threat irrespective of their circumstances. This is reflected in the common anti-immigrant slogan, "What part of 'illegal' don't you understand?" Thus, the dearth of discursive opportunities for undocumented immigrants does not make public protest impossible but it does present substantial obstacles to gaining public support for their cause. The low likelihood of gaining public support combined with the high risks associated with public protest would likely dissuade most undocumented immigrants from engaging in such activities.

Other scholars have gone on to argue that discourse alone does not shape the political viability of immigrant protests. Discourses combine with political institutions to shape the available opportunities of immigrants in receiving contexts (Koopmans et al. 2005). Rather than encouraging immigrants to stay in the shadows, closed discursive and political opportunities often prompt many to turn their attention to home countries or friendlier international institutions like the United Nations or the

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[1] On the one hand, there are differences in terms of the legal and cultural attributes needed to gain temporary or permanent residency status. Some may be much better integrated, possess more desirable skills, have longer residency in the country, and have family members who legal residents and citizens in the country. These undocumented immigrants are much closer to meeting the criteria for legal residency. On the other hand, there are also many immigrants who may exist in a state of "liminal legality" (Menjívar 2006). These are immigrants who entered the country without authorization but who have gained a foothold to legal status and possess some form of temporary legal status. The vast majority of undocumented youths in this study are fully undocumented (see Gonzales 2011) but also possess the cultural and legal attributes that make them more eligible for legal status.

European Union (Soysal 1994, 2000; Giugni and Passy 2004, 2006; Koopmans et al. 2005; Smith 2003; Sites and Vonderlack-Navarro 2012). For example, Turkish immigrants facing inhospitable political and discursive conditions in Switzerland and Germany have been shown to be much more active in home country politics than the political arena of their receiving countries (Koopmans et al. 2005; Giugni and Passy 2006). Similarly in the United States, facing few political opportunities in their receiving countries, Mexican immigrants have been shown to turn to home country political parties (Smith 2003; Sites and Vonderlack-Navarro 2012). Undocumented immigrants face additional political barriers because they often lack influential political allies and new anti-immigrant policies have rolled back basic rights and have expanded measures to identify and deport undocumented immigrants (Nevins 2002; van der Leun 2003; Fernandez Kelly and Massey 2007; Varsanyi 2008; Anderson 2010; Nicholls 2013; Massey and Pren 2012). Whereas discursive barriers and the absence of many political allies would provide undocumented immigrants with few incentives to engage in public protest, enhanced enforcement and repressive measures would significantly raise the risks associated with such acts. At best, we would expect immigrants to target international institutions (home countries, United Nations, etc.) in the hope that these institutions could influence receiving countries to grant more rights, entitlements, and opportunities to migrant populations.

Thus, we would expect that inhospitable conditions would lead most undocument-ed immigrants to avoid direct engagement in contentious political mobilizations in receiving countries. However, continued high-profile mobilizations of undocumented immigrants in the United States and Europe since the 1990s problematize this assumption (Siméant 1998; Coutin 1998, 2003; Iskander 2007; Cordero-Guzmán et al. 2008; Benjamin-Alvarado et al. 2009; Anderson 2010; Voss and Bloemraad 2011; Nicholls 2013). Rather than turn away from the public sphere, different groups have brought their cases directly into the public, engaged in high-risk public protests and civil disobedience, and developed compelling and resonant rights claims. The scholarship on citizenship and immigration politics helps identify important barriers facing immigrants in contemporary citizenship regimes but it provides little insight into how immigrants continue to mobilize in spite of these barriers. The barriers certainly limit what can be said and done, but continued mobilizations by undocu-mented immigrants make it clear that these barriers do not present a complete closure. The next section outlines the mechanisms that permit some undocumented immi-grants to gain a political foothold in these inhospitable environments.

Locating niche-openings in inhospitable contexts

Anti-immigrant discourses and policies present significant barriers for undocumented immigrants to express their grievances through public protest and mobilizations. However, liberal legal norms, politics, and moral ambivalence have contributed to producing small cracks in contemporary citizenship regimes. These cracks provide niche-openings for some immigrants with the right attributes to push forth rights claims in spite of general hostility and closure.

First, liberal legal norms and international treaties have obliged states in Europe and North America to recognize the rights of certain groups of immigrants. Christian Joppke (1999) has argued that executive and legislative branches of governments

have been designed to express the will of the "people," which has indeed resulted in enhancing restrictive immigration measures. However, liberal legal norms have been institutionalized in constitutions and international treaties. The institutionalization of these norms serves to counterbalance the majoritarian and illiberal tendencies of democratically elected legislatures and governments. In their efforts to roll back the rights of immigrants, legal openings emerge for cases protected by constitutions, laws, courts, and international treaties (i.e., families, children, asylum seekers, etc.) (van der Leun 2003; Coutin 1998, 2003; Bosniak 2006; Menjívar 2006). Second, political scientists have also shown that in spite of high levels of antagonism towards immigrants, politicians face strong political pressures not to pursue total border closure (Freeman 1995; Money 1999; Schain 1999). Certain industries pressure the government to ensure continued access to a steady supply of immigrant labor (e.g., agriculture, hospitality, construction, etc.). These industries present a countervailing force to anti-immigrant forces. Lastly, in spite of growing intolerance, certain groups of immigrants may elicit sympathy from important segments of the national population (Fassin 2012). Some undocumented immigrants may possess attributes that resonate strongly with national values and humanitarian norms. Certain immigrants may be well assimilated, have good and useful jobs, possess families with small children, or exhibit some other attributes that resonate with the values and moralities of nationals. This moral ambivalence makes some nationals willing to grant exceptions to sympathetic and deserving immigrants while still demanding that government ensure border closure for most others.

Periods of political closure make it difficult for most undocumented immigrants to seek out legalization but countervailing forces combine in many different ways to produce niche-openings for small batches of immigrants with favorable economic, cultural, or legal attributes. This shapes the political field through which the "emerging moral economy of deservingness" unfolds (Chauvin and Garcés-Mascarenas 2012). Operating in this field, immigrant rights advocates push through whatever openings seem available to them. When activists discover an opening and mount a campaign, they mobilize those groups that best fit the available niche (e.g., asylum seekers, children, parents of citizens, well-integrated students, etc.). Most rights advocates remain hopeful that political opportunities will open up in the distant future for broader reforms that would benefit more immigrants but in the mean time they respond to niche-openings that provide a path to legal status (temporary or permanent) for at least *some* immigrants *now*.

Making the exceptional and deserving immigrant

Niche-openings are a necessary condition for undocumented immigrants to gain a foothold and voice in hostile times but they are by no means sufficient. Immigrants with the correct set of cultural and legal attributes must craft clear, effective, and compelling public representations for why their group is exceptional and deserving an exemption from exclusionary immigration laws (Coutin 2003; van der Leun 2003; Chauvin and Garcés-Mascarenas 2012; Nicholls 2013). A well-crafted representation does not guarantee an extension of legal status but it provides this group of immigrants with sufficient levels of legitimacy to win broader public support for their cause. Compelling representations of deservingness can therefore be used to transform the niche-opening into a path for legal residency status for certain groups of immigrants.

Facing hostility and narrow niche-openings, advocates are encouraged to demonstrate how groups in possession of certain strategic attributes fit the narrow openings available to them. They are encouraged to craft a representation that stresses their strategic attributes. For example, if activists perceive a niche-opening on the basis of refugee status, they construct a representation of the group narrowly focused on this one aspect of its complex social and cultural background (Coutin 1998, 2003). The public narratives of the refugees are structured by messages, talking points, and emotionally compelling stories that stress the most strategic attributes of the group, silencing those other attributes that may distort their central message. These representations help transform a diverse array of individuals—with many different qualities, backgrounds, perceptions, feelings, and cultures—into a coherent and deserving "group of refugees" (Coutin 1998, p. 906). By stressing the attributes that make the group distinctive and exceptional, rights advocates are in a better position to demonstrate that the group deserves legal status on the basis of its unique circumstances and attributes. In doing this, they construct a group, discursively and organizationally, where no real group had existed before.

In addition to demonstrating a group's fit in a niche, advocates must also demonstrate its fit in the country. This encourages advocates and activists to pursue a process of de-stigmatization. De-stigmatization involves crafting discourses that cleanse well-positioned immigrants of the polluting stigmas attributed to the immigrant population (Elias 1994; Alexander 2006). Well-placed immigrants (those facing a niche-opening) must demonstrate that they are not free riders, unassimilated, irreducibly foreign, terrorists, or a fifth-column element. While the process of de-stigmatization impels well-placed immigrants to distance themselves from these polluting attributes, it also requires them to show that they conform to national values and make an important contribution to the country (Honig 2006). Positive representations strengthen the argument that they are not a threatening other but an exceptional and deserving group.

Stressing the exceptional qualities of a group can open up doors for this group and create new openings for adjacent groups of immigrants. For example, by introducing new legal precedents or broadening public sympathy, a campaign to gain the rights for one group of asylum seekers can create openings for other groups facing similar conditions. This can trigger a "multiplier effect" in which a primary group of claimants opens paths for adjacent groups to push their own rights claims. We see a similar effect when arguments and claims diffuse from one group's campaign to another group's campaign (Nicholls 2013). Additionally, rights advocates often assert the use of liberal qualifying criteria (e.g., no age limits, reduced residency requirements, no work requirements, etc.) for legalization measures in order to maximize the numbers of people who can benefit from them. The narrow mobilizations of exceptional immigrants can therefore serve as "stepping-stones" for broader legalizations in the ways described above. By pressing against one crack in a closed citizenship regime, other cracks may ripple throughout and create new and unanticipated openings for numerous other groups.

These mobilizations may induce multiplier and ripple effects, but they can also introduce new boundaries between "deserving" and "undeserving" immigrants. In representing individuals with shared attributes as an exceptional group, activists do not only brighten the boundaries between different groups but they may also assert that the possession of these attributes makes their cases more deserving and pressing than others. The discursive and symbolic differences that arise during campaigns can

be translated into objective differences when they are used to inform the real policies that determine who should be allowed legal status and who should not. Policymakers are well aware that the legalization of some "deserving" immigrants may contribute to the legalization of many 'less deserving' immigrants. While rights advocates often try to maximize the number of beneficiaries of a single measure (i.e., multiplier effects), government negotiators often push back in the hope of limiting this number. They introduce narrow criteria to restrict the number of qualifying people (e.g., high fees, required courses, restrictions on age, time of residence, employment, etc.), impose restrictions to disrupt migration chains (e.g., limits on family reunification), introduce new restrictions to offset new entries, and reinforce enforcement measures to disincentivize future migration flows. These efforts lead to concrete legal categories that limit who can benefit from legal status and who needs to be excluded. These outcomes help stratify the immigrant population from most to least deserving, with each category attributing different rights, entitlements, and restrictions to different segments of the immigrant population. These discursive and legal distinctions often become a source of conflicts among the different groups making up the broader immigrant rights movements.

The recent immigration literature has asserted the strong influence of legal categories on differentiating the opportunities and subjectivities of immigrant groups (Menjívar 1997, 2006; Coutin 1998, 2003; De Genova 2005; Bosniak 2006; Inda 2006; Chavez 2008). For example, Coutin correctly notes:

> Individuals are situated within immigration categories through a variety of practices, including court hearings, requests for proof of work authorization, determination of eligibility for services, and detention and deportation. Such practices negotiate not only the status of the individuals in question but also the relationship between states and citizenries, the nature of movement, the meaning of presence, and the legitimacy of existence. The outcomes of these negotiations have material effects on individual lives, transnational relations, and national futures (2003, p. 10).

In this article I agree with this eloquent assessment but also want to emphasize the suppleness of political contexts (through the concept of niche-opening) and the role of advocacy organizations in shaping the norms and categories making them up. Pushing for a change of legal status for one group does not only affect the fate of that single group but it also produces countless effects (positive and negative, intended and unintended) across the legal, normative, and political landscapes shaping immigrant lives. Each of these effects may create new openings or closures depending on the attributes of the immigrants and their positioning within the political field. By highlighting the role of immigrant rights advocates in these fluid worlds, this article stresses that contexts and categories are not only imposed from above but resisted, remade, and reproduced from below by immigrant advocates themselves.

A note on the case and methods of investigation

The research and theorizing of this article are inspired by Michael Burawoy's "extended case method" (1998, 2001). This study is used as a strategic case to examine how highly stigmatized immigrants assert rights claims in hostile political and discursive

environments. The focus of this article is the United States but it draws on the European literature on immigrant politics and social movements to inform core theoretical questions (Ireland 1994; Joppke 1999; Giugni and Passy 2004; Koopmans et al. 2005). The study is also informed by the burgeoning scholarship on undocumented immigrant mobilizations in Europe (Siméant 1998; Van der Leun 2003; Blin 2005; Anderson 2010; Nicholls 2013). We find striking parallels across many of these cases. For example, undocumented immigrants in France faced enormous hostility in the 1990s (Siméant 1998; Blin 2005; Joppke 2007; Berezin 2009; Nicholls 2013). Rights activists found a narrow niche-opening for immigrant parents of French-born residents and crafted powerful representations of how this group fit narrow openings. This strategy also resulted in differentiating groups of immigrants and the legal opportunities facing them. Anderson (2010) and van der Leun (2003) find similar patterns in the United Kingdom and the Netherlands respectively. These similarities indicate that undocumented immigrants facing similar kinds of constraints and openings pursue parallel strategies (though not identical) for asserting rights claims. By using this case to perform a detailed analysis of the field and representational strategies, I aim to inform more general discussions of how stigmatized groups exert their rights more generally (what Burawoy calls "extending out" from the case).

The study is based on a content analysis of the *New York Times* and semi-structured interviews with key stakeholders. Most interviews of the 34 interviews performed in the study were with Los Angeles based activists and advocates. The city has become a major hub of the DREAM campaign and the general immigrant rights movement. This article maintains that the effort to pass the DREAM Act has been one campaign within the general immigrant rights movement. It has served as a focal point for forging a coalition between many associations and activists, many of which had already been involved in other campaigns. The DREAM mobilization is therefore not seen as a separate social movement but as an important part of the broader immigrant rights movement. Most of the interviews were performed with undocumented youth activists but a number of interviews were also performed with immigrant rights associations and other supportive allies. The interview questions addressed three major issues: 1) political context and mobilization strategies; 2) a messaging campaign; and 3) alliances among the various activists and organizations making up the campaign and the rights movement. The interviews with veteran immigrant rights associations were particularly useful in assessing the political context and strategy and the interviews with youth activists were helpful in assessing the production and use of mobilization frames. Each interview lasted between 1 and 2 h, with several requiring follow-ups. A system of open and inductive coding was used to identify the principal themes used by immigrant rights advocates to assert their rights claims in the public sphere. In order to protect identities, the interview materials used in this article do not reveal the names of respondents.

I analyzed claims and counterclaims captured through *New York Times* during 2000–2010. Key words (immigration policy, immigrant rights, DREAM Act) were introduced into the *New York Times* search engine and the results were arranged by year, statements, stakeholders making statements, and contextual issues involved in the story. The database has been used to identify the principal actors involved in the struggle for and against immigrant rights, the political contexts facing immigrant rights advocates, and the principal themes employed by advocates and adversaries to

frame their contrasting claims in the public sphere (for fuller description of this method, see Koopmans and Statham 1999). This database was developed for a much broader study on the immigrant rights movement in the United States. This particular article used the database to assess the context facing immigrants and how adversaries and advocates framed their support.

Niche-openings in inhospitable times

A context of anti-immigrant hostility

Immigrant rights activists in the United States during the 1990s faced a hostile discursive and political context (Nevins 2002; De Genova 2004; Menjívar 2006; Chavez 2008). Anti-immigrant forces produced powerful messages for why federal and state governments should strip undocumented immigrants of most basic rights (social, political, and civil) and forcefully remove them from the country. In the late 1980s and early 1990s, anti-immigrant forces shifted to the national stage through the increased prominence of large professional anti-immigration associations (e.g., Federation for American Immigration Reform, Americans for Immigration Control, Numbers USA, among others) (Diamond 1996; Money 1999). These organizations played a strategic role in national debates on immigration because they were able to concentrate the efforts of scattered and local anti-immigration efforts into a coherent force. This enabled them to present a single, consistent, and compelling argument against immigrants and deliver that message to the national media and Congress. They stressed that that immigrants presented a core threat to national stability, economically and culturally. They (immigrants) were transforming large parts of urban and suburban landscapes and making Americans foreigners in their own lands. Immigrants were also accused of competing for jobs and being welfare cheats, driving down the wages of the American working class while bankrupting the welfare state. Moreover, a new generation of public intellectuals began to articulate a coherent discourse that painted immigrants, and particularly Latino immigrants, as a *cultural* threat (rather than just economic) to the national community. This discourse centered on the theme that immigrants had failed to become a part of the national fabric and threatened the cultural coherence of the nation (Chavez 2008, p. 33). This assertion was coupled with the argument that some Latinos sought to reconquer the American Southwest (*la Reconquista*), with prominent commentators like Patrick Buchanan arguing that Mexicans were a fifth-column in the country.

Framing the problem in this way, anti-immigrant advocates argued that the country had no option but to pursue a policy of zero-tolerance repression against undocumented immigrants. Recognizing even the most basic right of the most innocent undocumented immigrant rewarded immoral behavior ("illegality") and risked opening the "floodgate" for future immigrants (Chavez 2008; Massey and Pren 2012). For example, recognizing the residency rights of immigrants who migrated to the United States as young children opened the door to legalizing the status of parents, grandparents, siblings, future spouses, and others through family reunification laws. Some undocumented immigrants indeed had sympathetic stories, but it would be impossible to legalize the status of even these seemingly innocent people without opening this

"floodgate." Each immigrant, no matter his or her virtues, was therefore framed as a serious threat to the country. Tough restrictions on rights and visas needed to be applied equally to all immigrants irrespective of their special attributes and stories. This discourse achieved great resonance in the public sphere and helped structure the media's framing of the immigration issue (Chavez 2008; Massey and Pren 2012). National magazines including *US News and World Report, Time, Newsweek, Business Week,* and others employed this discourse to frame their reporting and editorials on the subject (Brader et al. 2008; Chavez 2008). These discourses strongly affected public perceptions on the issue. Massey and Pren note that, "The relentless propagandizing that accompanied the shift had a pervasive effect on public opinion, turning it decidedly more conservative on issues of immigration even as it was turning more conservative with respect to social issues more generally" (2012, p. 8). Hopkins adds that the effects of media on public perceptions were most powerful in areas undergoing rapid demographic changes, "Sudden demographic changes generate uncertainty and attention. Coverage of immigration in the media can inform people about demographic changes and can politicize those changes in people's minds. Acting in tandem, local demographics and nationally salient issues can produce anti-immigrant attitudes and outcomes" (2008, p. 41).

State and national politicians played a key role in raising the saliency of these frames and translating them into real policies. Governor Pete Wilson of California played a particularly important role in 1994 (Diamond 1996). Faced with low levels of voter satisfaction, the one-time moderate Republican took a strong anti-immigration position in his bid for re-election and expressed strong support for the restrictive measure Proposition 187. His overwhelming re-election was attributed to his support for the measure. This gave politicians in regions with high demographic change a blueprint to win campaigns for local, state, and national office. Seeking to protect the federal government's authority over immigration policy and to preempt a patchwork of local and state-level variants of Proposition 187, the Clinton Administration introduced restrictive measures and legislation (Varsanyi 2008). In 1996, the Clinton Administration supported the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) (Nevins 2002; Durand and Massey 2003). IIRIRA allocated more resources to enforcement, expedited deportation procedures, lowered the threshold of deportable offenses, severely restricted judicial discretion during removal proceedings, and reduced possibilities for appeals, among other things (Varsanyi 2008; Wadhia 2010). Between 1996 and 1998 the budget of the Immigration and Naturalization Service (INS) grew by eight times and the budget of the Border Patrol grew by six times (Durand and Massey 2003). The law contributed to the enhancement of the country's detection and removal apparatus while restrictions on judicial discretion and appeals reduced possibilities for individuals to seek exemptions for their special cases during removal procedures. This law and other immigration measures also reflects the growing popularity of "get tough" and zero-tolerance philosophies in law enforcement during the 1990s (Wacquant 2004).

The election of George W. Bush in 2001 presented a brief political and discursive opportunity for undocumented immigrants and rights advocates. The first several months of the Bush Administration resulted in a brief round of high level talks between Administration officials, Congress, and the President of Mexico. Following the terrorist attacks of September 11 however, the Administration shifted its attention to the "war on

terror" and immigration was reframed as a security issue (De Genova 2007; Massey and Pren 2012). For example, Dan Stein (Federation for American Immigration Reform) argued that, "The nation's defense against terrorism has been seriously eroded by the efforts of open-border advocates, and the innocent victims of today's terrorist attacks have paid the price" (Dan Stein, *NY Times,* September 24, 2001). The tight links among immigration, national security, and border enforcement were echoed in public statements by prominent Republican officials and leaders during the first half of the decade. As late as 2005, Secretary of State Condoleezza Rice cited intelligence reports of terrorists using the Mexican border to gain access to the country. "I note worries that terrorists would use the Mexico border as a back door to the United States, and there is the need to stop illegal crossings" (Condoleezza Rice, *NY Times,* March 11, 2005). Grover Norquist (Americans for Tax Reform) reiterated the position by arguing that, "Immigration reform and border security are not competitors; they are the same thing" (Grover Norquist, *NY Times,* April 13, 2005). Thus, there was a brief opportunity in early 2001 but the terrorist attacks closed this slight opportunity down by fusing links among immigration, border security, and terrorism.

This discourse fueled new restrictive measures and laws throughout the 2000s. In addition to passing five restrictive laws during the decade, the Department of Homeland Security introduced 12 different measures to strengthen borders and facilitate the detection and deportation of undocumented immigrants (Massey and Pren 2012, pp. 10–11). These initiatives combined with IIRIRA (e.g., lowered thresholds for deportable offenses and restrictions on judicial discretion and appeals during deportation proceedings) to accelerate deportation rates radically, increasing from a rate of 200,000 immigrants per year in the mid-2000s to 400,000 by the end of the decade (ibid.). The "threat" discourse played an instrumental role in driving restrictive immigration policies and directing them disproportionately at Mexican immigrants. "None of the terrorist attacks involved Mexicans, and none of the terrorists entered through Mexico. Indeed, all came to the United States on legal visas…. *Mexicans nonetheless bore the brunt of the deportation campaign launched in the name of the war on terrorism, comprising 72 % of those removed in 2009*" (2012, p. 16, emphasis added). Immigration was framed as a national security issue and this resulted in new restrictions that disproportionally impacted *all* undocumented immigrants, especially those from Latin America.

Finding niches in an inhospitable context

The general hostility towards undocumented immigrants in the late 1990s (both Democrats and Republicans) closed political opportunities for comprehensive immigration reform and a general amnesty. In this context, rights advocates identified niche-openings and pushed for the legalization of groups that stood a chance of success.

There were certain immigrant groups that were better placed to respond to niche-openings. In 1990, advocates took advantage of the legal and moral ambiguities regarding the case of El Salvadoran immigrants (Coutin 1998, 2003; Menjívar 2006). While government officials recognized that El Salvadorans would qualify for refugee status under the United Nations Convention Relating to the Status of Refugees of 1951, admitting so would make the United States recognize the war and complicit in supporting a human rights-violating regime (Menjívar 2006). This ambiguity provided immigrant rights advocates an opening to make demands. One participant in this

campaign remembers it in the following way, "The US never wanted to admit that they were funding and training the military in El Salvador. They were involved but they didn't want to admit that there was a war. So they said: 'Okay, we understand that people cannot be sent back, but we also cannot recognize this war. So we are going to give them Temporary Protective Status'" (Director of CARECEN, personal interview).

Responding to this opening, a concerted effort was made by immigrant rights activists in the late 1980s and early 1990s to represent these immigrants as "deserving refugees" (Coutin 1998, 2003). They did this by recruiting and screening immigrants with the appropriate legal and cultural attributes, developing frames and stories that stressed these unique attributes, and training immigrants to tell their stories of political persecution and flight to different publics across the country. Coutin (1998: 907) recounts:

> In seeking to define Salvadorans and Guatemalans as "refugees," sanctuary activists were taking advantage of the fact that, according to U.S. law, being a victim of political persecution is one of the grounds on which a person who has entered the United States illicitly can change his or her status from that of an illegal alien to an authorized resident [strategic niche-opening]. … [W]hen a Central American requested the movement's assistance in entering the United States, movement members "screened" the individual to determine whether he or she was a "refugee."… Individuals who were deemed to be political refugees were brought into the United States, whereas those who were considered economic immigrants were either left to cross the border on their own or given some other sort of assistance.

Coutin goes on to describe that after identifying immigrants who best fit the particular niche (literally rejecting those who did not fit), activists in the sanctuary movement worked with them to retell their stories in ways that resonated with multiple national audiences. "Activists promoted refugee testimonies because they believed that, just as they had been galvanized into action by hearing detained Salvadorans' and Guatemalans' accounts, other listeners' consciousness about events in Central American policy could be changed by these narratives" (Coutin 1998, p. 908). The activists in this campaign therefore identified a strategic niche, identified those with the attributes that best fit this niche, and constructed powerful representations to broaden support for this group among the general public.

Efforts to respond to niche-openings continued throughout the decade. Farmworkers, for example, enjoyed the support of large growers associations and Republican politicians along with unions and large segments of the public (Holley 2000). This particular group of immigrants was not only presented as contributing an important economic function to the country but they also had developed a compelling story that dated back to the struggles of the United Farm Workers in the 1970s. Similarly, El Salvadorans and Guatemalans saw their temporary status threatened after the passage IIRIRA in 1996. During this time, Congress was also preparing to pass a measure that would legalize asylum-seekers of left-wing regimes in Nicaragua and Cuba (Nicaraguan Adjustment Central American Responsibility Act). Immigrant advocates again saw a niche-opening resulting from the legal and moral discrepancy of this measure. They argued that El Salvadorans and Guatemalans should be granted the same rights as these other groups and be made permanent residents. This group of

immigrants was also settled and well-integrated and making important contributions to the country (Coutin 2003; Menjívar 2006). It was only fair that they should be given the same rights as Cubans and Nicaraguans.

In these different cases, advocates were able to use the niche-openings to launch negotiations with government officials, extend temporary residency status for many, and improve the chances of a smaller group to gain permanent residency status. These small and incremental struggles therefore resulted in small and incremental wins for particular groups of immigrants. They helped expand the intermediate categories of legality between full permanent residency and full "illegality" (what Menjívar has called "liminal legality" [2006]).

The campaign to legalize the status of undocumented university students was an extension of the incremental approaches of the previous decade. Prominent immigrant rights associations (National Immigration Law Center, Center for Community Change, among others) launched a campaign to pass the Development, Relief and Education for Alien Minors (DREAM) Act in 2001. The DREAM Act promised to place undocumented university students and youths performing community service on a path to citizenship. This initiative was again a response to a particular niche-opening. Indiscriminate and enhanced enforcement raised moral ambiguities among certain segments of the public. Accelerating enforcement spurred cracks in the country's moral resolve to address this issue. These cracks introduced niche-openings for those who could demonstrate a fit on moral and humanitarian grounds. The DREAM Act responded to this niche because it aimed to legalize a substantial number of good and deserving immigrants. As the DREAM campaign unfolded, immigrant rights associations, a handful of Congressional allies, and a growing network of undocumented students formed a coalition to broaden public and political support for the cause. After years of struggle, the campaign has helped to forge undocumented students into a powerful voice, helping to place this issue at the center of national political debates when the issue and group simply did not exist before 2001. While they have yet to pass the DREAM Act, advocates have succeeded in using their niche to create real discursive, political, and legal opportunities for these youths.

Making the exceptional and deserving immigrant

While a niche opened up for undocumented youths, this niche was by no means sufficient for gaining legitimacy and support for their cause. Undocumented youths did not exist as a distinctive group in public discourse before 2001 and most members of the public could not dissociate these individuals from the general stigmatized populations of undocumented immigrants or urban minority youth (Seif 2004; Gonzales 2011). A principal challenge of the campaign was therefore to assert the existence of a group with exceptional attributes and legitimate rights claims. Early on, immigrant rights associations[2] took a leading role in crafting a compelling representation that rested on several themes. These themes formed the "master frame" (Benford and Snow 2000)

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[2] National Immigration Law Center, Center for Community Change, Center for Humane Immigrant Rights of Los Angeles, among others.

used to construct a group of undocumented youths, identify its virtuous qualities, and assert its rights claims in the public sphere.

It has been important to embrace American symbols and cultural assimilation. To demonstrate their "Americanness," they have made explicit references to core American symbols (e.g., flags, Statue of Liberty, cap and gowns, etc.). One activist remarks on the importance of American symbols in representing themselves, "We have brought in the statue of liberty into the recent campaign. Why? Because this is important to remind people what we stand for as a country" (Organizer 1, California Dream Network, personal interview). In addition to embracing national symbols, DREAMers have also sought stress links between their struggles and national values. "In the last campaign, the key values that we stressed were fairness, hard work, and self-determination. Those are our key values that we always try to come back to. Like, 'The DREAM Act is a policy that supports fairness and rewards hard work'. These are key American values" (Organizer 1, Dream Team Los Angeles, personal interview). By stressing conformity with national values, DREAMers present themselves not as "threats" to national norms but in conformity with those norms. Demonstrating Americanness also taps into the moral ambiguities of the public. It is one thing to ban irreducibly foreign and other aliens but it is a different thing to ban people who look and sound like full members of the community. One early supporter of the DREAM Act justifies her position by stressing that the youths were "de-facto" Americans, "These children are de facto Americans but their hopes are being dashed on a daily basis" (Partha Banerjee, *NY Times,* September 20, 2004). Lawrence Downes, a frequent editorial contributor to the *New York Times,* provided very similar grounds to justify his support, "Ms. Veliz is here illegally, but not by choice. *By all detectable measures,* she is an American, *a Texan*" (Laurence Downes, *NY Times,* March 28, 2009, emphasis added). Ms. Veliz is indeed "illegal" but her assimilation in deep American culture ('Texan') makes her exceptional and deserving of legal status.

Undocumented youth are not only "de facto" Americans but they have also been represented as the "best and the brightest." One longtime leader of the DREAM campaign expressed this in the following way, "This message comes from the facts because that is their experience…. The only strategic part is that we have focused on the crème de la crème, the top students, the 4.3, the valedictorian. We have always been intentional of choosing the best story, the most easily understood story, the most emotionally convincing story" (former director, California Dream Network, personal interview). The story of the straight A immigrant student counters the stereotype of minority youth as deviant and delinquent, serving to cleanse the group of the stigma associated with that population. Moreover, because these students are the "best and the brightest," they stand to make an important contribution to the country. Senate Majority Leader Harry Reid has drawn on this utilitarian argument to justify his support of the DREAM Act, "The students who earn legal status through the DREAM Act will make *our country more competitive economically, spurring job creation, contributing to our tax base, and strengthening communities*" (Harry Reid, *NY Times,* November 17, 2010, emphasis added). Highlighting this attribute of the DREAMer therefore cleanses the group of the stigma that made them a threat and stresses their contribution to the economic and civic life of the country.

Leaders of the DREAM campaign have sought to cleanse youths of the stigma of illegality by absolving them from the "guilt" of having broken the law. By stressing

that these youths did not choose to cross the border, they could not be held accountable for breaking the law and, by extension, could not be considered fully "illegal" immigrants. For example, a DREAMer in the 2007 campaign to pass the DREAM Act argued, "I didn't ask to come here, I was brought here. With kids like me, you're truncating their future" (anonymous DREAM activist, December 12, 2007, *NY Times*). This theme has resonated widely with the media and national politicians. A congressperson in 2007 used this argument to justify his support of the DREAM Act, "The bill could pass the Senate because it is intended to benefit young people who grow up in the United States and are illegal immigrants as a result of decisions by their parents" (anonymous Congressperson, *NY Times,* September 20, 2007). The phrase, "no fault of their own" has become a standard talking point used when discussing undocumented youth. In her support of the DREAM Act, the Secretary of Homeland Security argued, "The students who would gain legal status under the bill have no fault for being here in the United States because they were brought here when they were children by their parents" (Janet Napolitano, December 2, 2010, *NY Times*).

After establishing undocumented youths as an exceptional group, advocates argue that it would be an injustice to deny them the right to stay, live, and thrive in the country. This message has resonated well with political supporters of the DREAM Act. For example, President Obama argued for the DREAM Act on moral and humanitarian grounds, "It is heartbreaking. That can't be who we are. To have kids, our kids, classmates of our children, who are suddenly under this shadow of fear, through no fault of their own" (Barak Obama, *NY Times,* December 22, 2010, emphasis added). What makes the case of these youths "morally shocking" (Jasper 1997) for the President is that these are "our kids" who are forced to live in the "shadows of fear" due to factors that are "no fault of their own." Political conservatives have also recognized the exceptional qualities of this group and their morally shocking situation. As a candidate in the Republican presidential primary, Governor Rick Perry justified his state's policy of granting in-state tuition fees to undocumented youth on moral grounds, "If you say that we should not educate children who have come into our state for no other reason than they have been *brought there by no fault of their own*, *I don't think you have a heart*" (Rick Perry, presidential candidate, September 22 2011, CBS News, emphasis added). In this instance, this group was exceptional and deserving because it was not culpable of its legal status ("no fault of their own"). This point made their continued exclusion morally shocking to this conservative Republican ("I don't think you have a heart").

It must be stressed that this representation was fashioned in a very particular context. The former director the California Dream Network maintains that it emerged at an early phase of the campaign when the leading associations faced great uncertainty and hostility. In this context, immigrant rights advocates were careful to craft a public image of the youths that would generate the greatest resonance with the American public, "Much of this was a reflection of the early strategies. It was all very new to talk about these things. In this context it was important to cover all your bases, to show this top student, let them know that we're not what they think" (Former Director, California Dream Network, personal interview). To win over the public in hostile contexts, immigrant rights advocates believed they had little choice. They had to represent this group in ways that resonated with core American values.

Most believed that more radical calls for the legalization of all undocumented immigrants or an end to the border would be counterproductive.

The dilemmas of differentiating undocumented immigrants by deservingness

Stressing the attributes that made undocumented students into exceptional immigrants and deserving of legalization created discursive and political opportunities where none had existed. However, their abilities to stress their exceptional attributes set them apart from less exceptional members of the immigrant community who lacked these key attributes. The discursive strategy to de-stigmatize undocumented youths therefore contributed to differentiating the undocumented population by reinforcing categories of "deserving"/"undeserving" immigrants.

De-stigmatizing this group has partly rested on the effort to stress the group's assimilation into the American value system and its break from the cultural and moral worlds of sending countries. In the 2007 campaign to pass the DREAM Act, one activist noted, "All I'm hearing now is that I'm Colombian, but I've never really been there. I have no memories of the country where I was born and I do not speak articulate Spanish. They are taking me from my home in America and sending me to a dangerous country that I don't even know" (anonymous Dream activist, August 3, 2007, *NY Times*). Arguments like these have stressed that youths are wholly assimilated and acculturated and that the countries of their parents are as foreign to them as they are to any "normal" American. Stressing their difference and distance with foreign countries and cultures becomes a tool to reinforce their adhesion to American culture and values. A leading DREAMer remarked, "Maybe our parents feel like immigrants, but we feel like Americans because we have been raised here on American values" (Carlos Saavedra, United We Dream, December 10th 2009, *NY Times*). Additionally, DREAM advocates have also stressed that the countries of the parents are not only foreign but they also present undocumented youths with a danger if sent back. Rhetoric that highlights the violence and political incivility of countries being returned to has been used to stress the dangers posed to youths if deported. The fact that these youths are wholly American would make it difficult to survive in foreign lands that are so different from their adopted nation. Thus, differentiating youths from the countries of parents helps reinforce their message of conformity with the American value system, but it also reinforces dominant representations of these places and their people as other, threatening, and incongruent with the American value system.

An important effort has been made to cleanse undocumented youth of their "illegality." DREAM Act supporters have argued that youths cannot be held accountable for their legal status because they did not choose to migrate to the country. This argument resonates widely with politicians, the media, and public. In almost all public statements of support, allies have used the phrase "no fault of their own" (or a variation of that) to justify their position. However, in making such an argument, the assumption is that those who made the choice (parents) are culpable for the crime of crossing the border and staying in the country "illegally." Claiming innocence for youths has inadvertently come at the cost of attributing guilt to parents. While it helps to lift the stigma of youth "illegality," it has reinforced the stigma of "illegality" for parents. The double-edged nature of this discourse is continuously reflected in public

expressions of support by liberal political officials. For example, Senator Richard Durbin, a long supporter of the DREAMers and comprehensive immigration reform, used this argument to justify his position, "It's unfair to make these young people pay for the *sins of their parents*" (Senator Richard Durbin, August 3 2007, *NY Times*, emphasis added). In this instance, Senator Durbin asserts the innocence of the youth by stressing the "sins of their parents."

The discursive differences between deserving immigrants and less deserving others have resonated with the thinking of key policymakers. In an early statement of support for the DREAM Act, Senator Durbin argued that the policy would help the country protect itself from true threats by distinguishing between good from bad immigrants. "We have to distinguish between those who would do us harm and those who came to our country to pursue the American Dream and are contributing members of our society" (Richard Durbin, September 1, 2004, *NY Times*). Janet Napolitano employs a similar argument to support the DREAM Act in 2010, "Passing the DREAM Act would help immigration authorities focus their resources on deporting dangerous criminals" (Janet Napolitano, Secretary of Homeland Security, December 2, 2010, *NY Times*). Government officials therefore have viewed a path to citizenship for "good" immigrants (youths) as a means to better direct the government's enforcement resources against undeserving immigrants.

The DREAM Act has not passed in its various forms but in 2011 the Obama Administration encouraged ICE field officers to use their discretion to "de-prioritize" "DREAM-eligible"[3] immigrants. This was followed by a directive by the Secretary of Department of Homeland Security (Janet Napolitano) to grant Deferred Action for Childhood Arrivals (DACA). DACA provided 2-year temporary residency status to DREAM-eligible youths. The Obama Administration justified enhanced discretion and DACA on the grounds that the DHS needed to prioritize its scarce enforcement resources. This could only be done by ranking the immigrant population by low (deserving) to high priority (not deserving) and make the latter group the primary target of enforcement efforts.[4] Administration officials argued that providing legal status for the most deserving groups enhanced the enforcement capacities of the government because it allowed it to focus its resources better on "truly undeserving" immigrants (e.g., unemployed, new arrivals, "criminals," etc.) The mobilization strategy of the youths therefore resulted in making themselves into an exceptionally deserving group of immigrants and the creation of new institutional categories (DACA, DREAM-eligible, etc.). These categories legally separated this group from other immigrants and, according to government officials, helped prioritize the use of enforcement resources.

While the DREAMers as a political group were nurtured by some of the leading immigrant rights organizations in the country, many of these youths broke off from

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[3] The criteria for DREAM eligibility are: are under 31 years of age; came to the United States while under the age of 16; have continuously resided in the United States for a 5-year period; are currently in school, have graduated from high school, have obtained a GED, or have been honorably discharged from the Coast Guard or armed forces; have not been convicted of a felony offense, a significant misdemeanor, or more than three misdemeanors and do not pose a threat to national security or public safety; among other things.
[4] Supreme Court Justice Antonin Scalia rejected this argument in the following way: "The husbanding of scarce enforcement resources can hardly be the justification for this since those resources will be eaten up by the considerable administrative cost of conducting the non-enforcement program, which will require as many as 1.4 million background checks and biennial rulings on requests for dispensation" (Antonin Scalia, Supreme Court, June 25, 2012, Politico.com).

the leadership in 2010 to support a standalone DREAM Act instead of a broader comprehensive immigration reform bill. These DREAMers believed that there was no real opportunity to pass a broader bill in 2010 and that the best path forward was to push for the narrower DREAM Act as a standalone bill. Many of the leading organizations in the immigrant rights movement disagreed and went on to characterize these dissident DREAMers as "selfish":

> So it was this nasty kind of battle. It was like organizations were painting this image that … we didn't care about our parents, that we were selfish, that we weren't strategic, that we were turning our backs on the immigrant rights movement. So for the longest time, the Dream Teams were really blacklisted from the whole immigrants' rights movement (Organizer 1, Dream Team Los Angeles, personal interview).

Another DREAMer remembers the backlash in a similar way, "The way that it was framed was: 'We cannot be selfish and when we think about ourselves, we have to think of our parents and everybody. So do we continue to push for the DREAM Act as our legislative thing, or do we go for immigration reform for everybody?' That was the framework" (Organizer 2, Dream Team Los Angeles, personal interview). As the DREAMers responded to the only opening available during this legislative cycle, immigrant rights leaders held out for political opportunities that simply were not materializing. The leaders responded by accusing DREAMers of turning their backs on their families, friends, and allies in the movement.

There have recently been concerted efforts to address the dilemmas associated with the differentiation of the DREAMers. Organizers have expressed an interest in producing more nuanced and inclusive messaging. "Now, when we come up with messages, we try to highlight everything, the true reality. *We try not to highlight only one section of the reality and generalize from that*" (Organizer 2, California Dream Alliance Network, personal interview). There has also been a concerted effort by leading DREAMers to avoid all language that assigns blame to their parents. "Policymakers and advocates created 'we were brought here by no fault of our own.' Most DREAMers disagree with that statement. So now we intentionally let people know that we don't agree with that statement" (Organizer 3, Dream Team Los Angeles, personal interview). Most DREAMers recognize this as one of the biggest framing problems of past mobilizations and have made a concerted effort to change the messaging.

In addition to changing the frames and messages used in their campaign, many DREAM activists since 2011 have become very involved in mobilizations against the Obama Administration's massive deportation. For some DREAMer organizations like the National Immigrant Youth Alliance, the struggle against enforcement and deportations has become the focal point of their work. Other DREAMers have become actively involved in the campaigns of national immigrant rights organizations. For example, many California-based DREAMers have become active in the various campaigns directed by the National Day Laborers Organizing Networks as allies, volunteers, and paid organizers. Most believe that working to support their broader community is the natural evolution of their activism. DREAMers believed that winning rights for undocumented youths was a "stepping-stone" for expanding the rights of more undocumented immigrants. Additionally, leading activists also recognized that others had labeled DREAMers as "selfish" in the broader immigrant

rights movement. Demonstrating their strong solidarity in anti-deportation and anti-enforcement campaigns has been a way to show their commitment to other groups of undocumented immigrants.

The opening for undocumented youths therefore triggered the construction of the DREAMers as a distinctive political group. This has opened doors for one group of immigrants with certain attributes while brightening the lines separating this group from seemingly less deserving others. While these differences have contributed to stratifying the immigrant population by levels of deservingness (low priority to high priority) and introducing certain conflicts in the broader immigrant rights movement, many DREAM activists have made efforts to bridge divides and use their own advantages to advance the rights of others.

Discussion and conclusion

This article has developed a two-prong argument to explain how some undocumented immigrants gain a foothold in hostile receiving contexts. First, niche-openings have emerged for select groups of immigrants in possession of certain cultural and legal attributes. Second, niches open up a pathway for some but gaining broader support for a group's cause has required activists to create compelling representations of the group. In the case presented here, immigrant rights advocates crafted a discourse that cleansed this group of the polluting stigmas attributed to the general undocumented population. They stressed that the youths were not only normal Americans who stood to make an important contribution to the country, but that they were also not responsible for their "illegal" status. This has helped to open up a serious public debate over whether some undocumented immigrants deserve the right to legalize their status in the country.

The strategy employed by undocumented youths and their advocates reflects continuity with the general strategic line of the immigrant rights movement in the United States. The period of 2006 and early 2007 marked a brief yet important break with the strategy (Voss and Bloemraad 2011). This strategic shift reflected a response to sudden changes in the political opportunity structure. On the one hand, the House of Representatives passed a highly restrictive bill[5] in December 2005, which aimed to expand and reinforce the border fence, make it a felony to be undocumented, and criminalize assistance to undocumented immigrants, among other things (Fernandez Kelly and Massey 2007, p. 108). On the other hand, the Bush Administration and a group of Senate allies (in particular Senators Edward Kennedy, John McCain, and Arlen Specter) put forward their own bill[6] that aimed to enhance border security, expand and modernize a guest worker program, and most important, place millions but not all undocumented immigrants on a pathway to legalization. This sudden change in the political landscape precipitated a rapid change in strategy by leading immigrant rights organizations in the country. They shifted from the narrow group-specific mobilizations targeting narrow niches to a broad campaign aimed at legalizing the status of many undocumented immigrants.

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[5] Border Protection, Anti-terrorism and Illegal Immigration Control Act (Sensenbrenner Bill, H.R. 4437).
[6] Comprehensive Immigration Reform Act of 2006 (S. 2611).

The DREAM Act was incorporated within the Comprehensive Immigration Reform Act and the DREAMers were presented as the "poster children"[7] of the undocumented immigrant community. However, strong resistance by Congressional Republicans and some Senate Democrats resulted in the failure of the comprehensive bill.

As briefly noted above, many of the larger immigrant rights organizations [8] believed that the hospitable political environment of 2009 and 2010 favored another comprehensive immigration reform bill. A substantial number of organizations[9] and activists (many DREAMers) disagreed. The Obama Administration failed to demonstrate any public support for immigration reform in 2009 and 2010 and its deportation rates far outstripped the Bush Administration's record.[10] In this context, a broad push for comprehensive reform would require a major investment of scarce movement resources (in terms of lobbying, coordination, and mass demonstrations) and produce few substantial returns. They argued for a return to the incremental and niche strategy of the past. The movement should focus on smaller measures that stood much better chances of success (like the DREAM Act). While the leading organizations of the immigrant rights movement opposed this position, the momentum shifted in favor of the dissidents in spring 2010, with most of the large organizations dropping their hopes for Comprehensive Immigration Reform and embracing the passage of the DREAM Act as a standalone bill. In the aftermath of 2010, many advocacy organizations and DREAMers recognized that they would mobilize as part of a single movement at the national level if the opportunity for progressive and inclusive immigration reform presented itself. However, in the absence of such big political opportunities, they would pursue narrow and niche-level battles in local, state, and national political arenas.

Following the re-election of President Barack Obama in 2012, another big political opportunity emerged. The Republican candidate Mitt Romney received 27 % of the Latino vote, dramatically lower than George W. Bush (44 %) in 2004. Republican leaders in the Republican National Committee and Senate recognized that the national viability of the Party depended on reaching this constituency. Democrats also knew that their fate was tied to Latinos and that many Latinos were expecting immigration reform as compensation for their loyalty. Observing this rare convergence of interests, the White House believed the time was right to push for a large-scale reform bill that would include a "pathway to citizenship" for millions of undocumented immigrants. With the White House's support, a bipartisan group of Senators moved to craft a new comprehensive immigration bill in 2013. For immigrant rights advocates, this presented the biggest political opportunity since

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[7] This is the term repeatedly used by DREAMers to refer to their positioning within the general immigrant rights movement.

[8] These organizations formed a new coalition, Reform Immigration for America (RIFA), to push for Comprehensive Immigration Reform. The leading organizations of the coalition were Center for Community Change, National Council of La Raza, and the National Immigration Forum. Large funders including the Atlantic Philanthropies granted RIFA more than $3 million to fight for Comprehensive Immigration Reform.

[9] Mexican American Legal Defense and Education Fund (MALDEF), National Day Labor Organizing Network (NDLON), Dream Team Los Angeles, Dream Activist, etc.

[10] Deportation rates reached 400,000 a year in 2010, doubling the rate of the Bush Administration (Massey and Pren 2012).

2006. Most of the advocacy organizations that had staked out a dissenting view in 2010 now[11] supported these early legislative efforts.

In 2013, the Senate passed the "Border Security, Economic Opportunity, and Immigration Modernization Act." The 2013 bill outlines a 5-year "path to citizenship" for DREAMers and farmworkers (the two best placed groups); a 13-year path for established residents with extensive documentation of their continuous stay in the country, uninterrupted work, some assimilation, and no criminal past (in addition to paying high fines and fees, back taxes, etc.); a temporary guest worker program; and $46.3 billion for enforcement. In addition to setting up a tiered system that formally stratified undocumented immigrants on their levels of deservingness, it introduced a trigger that made the legal status of qualifying immigrants depend on the implementation of $46 billion in new enforcement measures. This trigger would introduce a conflict of interests between immigrants who would qualify for the pathway to citizenship ("deserving") and those who would not ("undeserving") because the full legalization of the former would depend on full implementation of enforcement measures that aimed to exclude the latter. While the Senate overwhelmingly supported the bill, conservatives in the House have expressed little interest in it. The Speaker of the House has also noted that he will not bring the Senate bill to a full vote without the majority support of the Republican caucus, which is improbable.

In the likely event that the political opportunities of 2013 crash on the shores of the Republican-controlled House (as they did in 2006), the struggle for immigrant rights will continue in much the same way as it has in the past. According to the author's personal communications with DREAMers and immigrant rights advocates, many will continue to focus on anti-enforcement campaigns and stress the particular attributes that make *families* deserving of legalization. Following on the success of the DREAMers, advocates perceive a similar niche-opening for families, arguing that families deserve legal status because they work hard, love their children, and contribute to the prosperity of the country. "Tearing apart" families is unjust and morally wrong because it punishes people who have done nothing wrong, forces people to live apart from their loved ones, and destroys the fabric of strong and prosperous communities. In the event that the Senate bill fails, these immigrant rights advocates have also suggested that they would push the White House to grant "deferred action" for families with mixed legal status. Many argue that this niche-like mobilization would allow them to win legal status for an important segment of the undocumented population without having to make the onerous compromises on enforcement ($46 billion in additional funding) included in the Senate bill. Thus, many in the immigrant rights movement tentatively provide support for the Senate bill but some advocacy organizations have contingency plans in the event that current political opportunities evaporate. The long history of creating targeted mobilizations in response to niche-openings allows these advocates to continue their dilemma-filled struggles to extend the rights of undocumented immigrants in a closed citizenship regime.

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[11] These included AFL-CIO, MALDEF, NDLON, United We Dream, and Dream Team Los Angeles, among others. Other more radical organizations remained resistant to the Senate's efforts.

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Organizer 7, California Dream Network.
Organizer 8, California Dream Network.
Organizer 9, California Dream Network.
Former Director, California Dream Network/Center for Humane Immigrant Rights of Los Angeles (CHIRLA).
Director, Central American Resource Center.
Organizer 1, Dream Activist.
Organizer 1, Dream Team Los Angeles.
Organizer 2, Dream Team Los Angeles.
Organizer 3, Dream Team Los Angeles.
Organizer 4, Dream Team Los Angeles.

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Organizer 6, Dream Team Los Angeles.
Organizer 7, Dream Team Los Angeles.
Organizer 8, Dream Team Los Angeles.
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