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Disclosure and the Evolving Legal Consciousness of Sexual and Gender Minority Central American Unaccompanied Minors

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Abstract

Sexual and gender minority (SGM) migrants' disclosure of their identity or "coming out" has significant stakes. It can facilitate access to resources (institutional disclosure), cultivate intimacy and belonging (social disclosure), or support claims for legal protections (legal disclosure). This article analyzes SGM unaccompanied minors' disclosures as shaped by the evolution of their legal consciousness in pursuing legal relief and incorporation in the United States. Ethnographic observations and in-depth interviews from 2014–2019 with 11 SGM unaccompanied minors reveal a striking pattern in their disclosure practices. During apprehension and detention, minors engaged in social, institutional, and legal disclosure of their SGM status. However, their interactions with agents from the Departments of Homeland Security and Health and Human Services led them to believe that SGM rights, support, and acceptance were contingent on legal status. Later, upon release from state custody, minors withheld legal disclosure from their deportation proceedings and immigration cases, even against the advisement of their attorneys. They also became more strategic in their social and institutional disclosure across other contexts. Post-legalization, however, minors broadened their disclosure practices and embarked on claims related to their SGM status. This study raises implications for research and policy. By analyzing shifts in legal consciousness over time, how certain experiences become reference points for how immigrants understand the law with respect to their identity and related behaviors are illustrated. It also extends the discussion of the far-reaching implications of SGM punishment and the disadvantages of immigration detention for children and youth.

Introduction

Researchers on sexual and gender minority (SGM) populations have long studied the disclosure of sexual orientation or gender identity—commonly referred to as

“coming out.” Broadly, scholars conceptualize disclosures as strategic, context-dependent, and complex (Orne 2011) parts of an SGM individual’s perpetual “career” of identity management (Guittar and Rayburn 2016). Instances of disclosure range from coercive to agentic, as various interactions introduce different levels of social and material risks, pressures, and benefits (for example, see Shuster 2017; Brumbaugh-Johnson and Hull 2019). Understanding that the motivations behind disclosure vary, I focus on three ideal types: social disclosure aimed at advancing interpersonal recognition and belonging, institutional disclosure aimed at accessing resources and services, and legal disclosure aimed at making claims to legal rights. Overall, these disclosures offer a window into how SGM individuals relate to themselves and others; navigate different contexts; as well as construct, promote, and protect themselves (Orne 2011; Pfeffer 2014; Guittar and Rayburn 2016; Brumbaugh-Johnson and Hull 2019; Kade 2021).

In this article, I link the disclosures of SGM status to Central American unaccompanied minors¹ legal consciousness or how they “experience, understand, and act in relation to law” (Chua and Engel 2019, 336). Drawing on longitudinal ethnographic observations and in-depth interviews, I make a temporal argument focusing on three moments in unaccompanied minors lives in the United States: (1) apprehension and state custody, (2) removal proceedings and the pursuit of immigration protections, and (3) life post-legalization. I argue that negative experiences in apprehension and state custody led minors to interpret the rights and affordances of SGM disclosure and identity as contingent on legal membership. Thus, during removal proceedings and the pursuit of immigration protections, SGM unaccompanied minors withheld legal disclosure and became highly selective in their institutional and social disclosure. Post-legalization, however, minors broadened their disclosure practices and made rights-based claims on their SGM status. These moments, as part of SGM unaccompanied minors’ careers of disclosure, illustrate the connectivity in how they understand the law, their own identity and its expression, as well as related claims to rights and belonging.

The focus on Central American SGM unaccompanied minors is timely. Over the past two decades, over 750,000 unaccompanied minors—the majority from Guatemala, Honduras, and El Salvador—have been placed with sponsors in the United States (Murray, Dreier, and Lai 2023). While scholarly attention has shed light on the experiences and incorporation of this population (Terrio 2015; Tenorio 2020; Ruehs-Navarro 2022; Diaz-Strong 2022; Galli 2023a; Stephanie Canizales 2023), attention to SGM minors specifically has been scant. However, they merit attention given our knowledge of the precarity SGM migrants face in the immigration system (Arriola 2015; Marquez-Velarde et al. 2023; Vogler and Rosales 2023), as well as the fact that this generation of minors is grappling with navigating queerness in a

¹ I use the term minors as all the respondents in the present study arrived in the United States under the age of 18, with the youngest age at arrival being 7 and the oldest age at arrival being 17. Even though unaccompanied minors may reach the age of majority (18 years of age) during their time in the United States, certain immigrant protection such as Special Immigrant Juvenile Status in certain state contexts will process their applications as ‘juveniles’ through to the age of 21, setting a legal precedent for categorizing them based on the age at which they arrived. The term minors is more appropriate for the group compared to terms such as “youth” which, for instance, the United Nations defines as inclusive of ages 15–24.

distinct, yet still complicated, cultural context (Meadow 2018; Robertson 2018; Ramírez Rojas and Osorio Lora 2022).

The present study is among the first to examine disclosure practices through the lens of legal consciousness. The ongoing nature of disclosure for SGM individuals allows for research to go beyond “the end state of an individual’s legal consciousness” (Hull 2016, 568), illustrating its contextual nature and evolution over time (Hernandez 2010; Abrego 2019; Galli 2020; Tenorio *forthcoming*). Specifically, I show how the institutional punishment and disadvantages faced by SGM migrants in detention produce a critical reference point in their legal consciousness. I also extend research documenting the experiences of SGM migrants in detention (Arriola 2015; Marquez-Velarde et al. 2023; Vogler and Rosales 2023), to non-adults and expand on the broader implications of these experiences for incorporation in the United States.

Legal consciousness as experience, understanding, and action

Legal consciousness refers to the way people “experience, understand, and act in relation to law” (Chua and Engel 2019, 336). This framework acknowledges the law is more diffuse than simply the law “on the books,” incorporating “the meanings, sources of authority, and cultural practices that are commonly recognized as legal, regardless of who employs them or for what ends” (Ewick and Silbey 1998, 40). Thus, legal consciousness is not simply a state of mind, it is “produced and revealed in what people *do* as well as what they *say*” (Ewick and Silbey, 46, *emphasis original*).

Immigration scholars use a legal consciousness framework to capture how the law intrudes into migrants’ everyday lives, affecting how they perceive themselves and the environment around them, as well as informing the behaviors they undertake (Abrego 2011; Menjívar and Lakhani 2016; García 2019; Asad 2023).

This literature largely emphasizes two key mechanisms through which migrants develop their legal consciousness. First, accumulated interactions with legal and state actors—attorneys, judges, social workers, and state or federal agency bureaucrats—communicate possibilities within the law (Asad 2023), how migrants might live up to the expectations of the law (Tenorio *forthcoming*), and the stigma associated with different social groups (Galli 2020). Therefore, examining SGM-unaccompanied minors’ experiences and interactions with legal and state actors in “state-controlled spaces” (Wimark 2021) is paramount to understanding the production and evolution of their legal consciousness.

Second, the normalized structural and symbolic violence perpetuated by the law (Menjívar and Abrego 2012), leads migrants to internalize their legal status (Gleeson and Gonzales 2012). This occurs whether migrants are undocumented (Gleeson 2010; Abrego 2011), hold a liminal status such as deferred action for childhood arrivals (DACA) (Flores et al. 2019) or temporary protected status (TPS) (Menjívar 2006), are lawful permanent residents (Tenorio *forthcoming*), or legal citizens (Abrego 2019). As a byproduct of this internalization, migrants adopt a wide range of behaviors across their everyday lives. To name a few examples, they better align themselves with the law (Flores et al. 2019), manage their engagement with various social institutions (Asad 2023), and are attentive to displays of moral character such as honesty (Galli 2020), being a good parent (Asad 2023), or being a good neighbor (Bloemraad 2022). Further, the internalization of their legal status affects their claims-making behavior.

Undocumented status, specifically, can be internalized such that migrants forego making claims based on their actual or imagined rights (Gleeson 2010; Abrego 2008 and 2011; Gast, Okamoto, and Nguyen 2021). Evidence suggests changes in legal status may shift a migrant's legal consciousness as it pertains to claims to their rights and belonging (Abrego 2008; Tenorio *forthcoming*). However, these studies tend to focus on migrants who have less direct and immediate experiences interacting with the immigration system. Further, while attention has been given to how legal consciousness produces differences in claims-making behavior along generational (Abrego 2011), gender (Tenorio *forthcoming*), or racial lines (Gast, Okamoto, and Nguyen 2021), we know less about the claims-making of SGM populations, let alone how this may change over time or along transitions in legal status.

To disclose or not to disclose?

Disclosure is complex, context-dependent, and at times strategic for SGM individuals (Orne 2011; Guittar and Rayburn 2016; Brumbaugh-Johnson and Hull 2019; Kade 2021). Considerations include whether disclosure may be met with violence (Kade 2021), non-recognition (Brumbaugh-Johnson and Hull 2019), intimacy and connectivity (Denes and Afifi 2014; Kade 2021), stigma and discrimination (Cain 1991; Hines 2006), material resources and social support (Decena 2008; Acosta 2013; Nisar 2018; Kade 2021), and the perceived climate of acceptance (Doan and Mize 2020).

Disclosure comes with uniquely high stakes for unaccompanied minors. Despite a history of discriminating against, and even at times barring, SGM migrants from pursuing legal protections such as asylum pre-1990 (Luibheid 2002; Canaday 2009; Vogler 2016), contemporarily SGM identity can serve as the basis for immigration protections. Evidence even suggests claims based on SGM status in the United States are increasingly successful. For instance, appellate courts have pushed back on narrow understandings of SGM experiences, expressions, and embodiments over time (Vogler 2021). Therefore, disclosure might provide access to resources or legal protections that may not be otherwise available. However, disclosure does not come easily. These minors have migrated from El Salvador, Guatemala, or Honduras, where significant violence and discrimination against SGM populations (Human Rights Watch 2020) as well as broader extralegal and gender-based violence (Stoll 2017; Vilalta 2020; Obinna 2021) is well-documented and informs their migration motives (Heidbrink 2014; Donato and Sisk 2015; Lorenzen 2017). This means SGM unaccompanied minors likely arrive in the United States with negative disclosure experiences, making future disclosure less likely (Rose Ragins 2004). Not to mention, disclosure has been documented to also yield greater mistreatment, discrimination, and abuse in immigration detention (Collier and Daniel 2019; Vogler and Rosales 2022). Disclosure also places a higher burden of proof for minors to express and articulate sexual or gender identity in legal proceedings with a coherence and authority that is taken for granted when considering their adult counterparts (Hazeldean 2011; Terrio 2015; Hedlund and Wimark 2018). Therefore, whether, how, and when unaccompanied minors disclose SGM status offers useful insights into how they understand their sexual and gender identity in relation to the law, their rights, their ability to mobilize claims, and notions of compliance to state authority.

Though connected, different instances of disclosure may have distinct objective focuses. I identify three types of disclosure: social, institutional, and legal. Social disclosure is focused on cultivating interpersonal recognition. This reflects the potential psychological benefits of disclosure where, when the identity being disclosed is recognized and accepted, it can advance identity development, improve mental health, and enhance the quality of life (Maguen et al. 2007). Institutional disclosure is focused on obtaining access to resources and services. This often involves institutional actors like teachers and administrators (Castro-Salazar and Bagley 2010; Enriquez and Saguy 2016) or bureaucrats (Marrow 2009) who are uniquely positioned to navigate different institutions and broker access to population-specific supports. Legal disclosure is concerned with the exercise of legal power or mobilizing claims to legal rights. It can activate the law's power to grant recognition, security, and opportunity (for example, Connolly 2002; Villalón 2010), as well as the harms of the state's discretionary authority in managing who benefits from humanitarianism (Fassin 2011).

The context-dependent nature of disclosure has led scholars to consider each disclosure decision relatively separate from each other. Indeed, many SGM individuals navigate an uneven patchwork of disclosure across settings and relationships. However, immigration processing provides a unifying context for the considerations and rationale in disclosures across state, legal, and interpersonal contexts—especially for unaccompanied minors.

Unaccompanied minors' state and legal processing

Arriving at the United States southern border, many Central American unaccompanied minors encounter Customs and Border Patrol (CBP) officers who apprehend and place them in immigrant detention. The Trafficking Victims Protection Act dictates that a minor's detention ought to be limited to a maximum of 72 hours. After immigrant detention, minors are turned over to the custody of the Office of Refugee Resettlement (ORR) to be placed in a shelter or facility. During this time, ORR also identifies a sponsor in the United States that the minor can be released to. Sponsors can vary significantly. Throughout my sample, sponsors included family friends, distant relatives, biological parents, and even individuals whom the minor had no prior connection to. Even if reunited with a parent or family member in the United States, histories of temporal, emotional, and geographic distance can complicate the dynamics with those they are reunited with (Hernández 2013; Tenorio 2020). The sponsors themselves may or may not have legal status. All the SGM unaccompanied minors in this article were apprehended at the United States southern border, were held in CBP custody, moved to ORR custody, and were released to a sponsor (all of whom were undocumented). More information on the sample can be found in Appendix A, Sample of Sexual and Gender Minority Unaccompanied Minor Respondents.

Once released to a sponsor, minors are summoned to appear at an immigration court where their deportation proceedings will begin. At the initial deportation hearing, minors make a case for pursuing legal relief. Following their first appearance in immigration court, minors enter additional processes dependent on the form of relief they pursue. While several pathways for legal relief are available, the most

common are asylum and special immigrant juvenile (SIJ) status (Galli 2018, 2020; Tenorio 2020). The asylum-seeking process for unaccompanied minors is conducted through non-adversarial interviews at an asylum office—which can grant or deny asylum. If denied, the case is sent back to immigration court for an adversarial hearing.² If asylum is granted, the unaccompanied minor is later able to apply for lawful permanent residency. Those seeking SIJ status attend a local family court to grant guardianship or the custody of the minor to a sponsor and confirm eligibility for SIJ status. If the family court confirms eligibility, the minor is then able to petition for SIJ status and eventually lawful permanent residency; if the family court does not find grounds for SIJ status, the immigration court may move forward with deportation proceedings.

Data and methodology

My study consisted of a combination of in-depth interviews and participant observations. The site for participant observations was strategically selected using a case study approach. Case-based qualitative study designs have been demonstrated to be “particularly suited for analyzing questions of how and why about complex processes that unravel over time” (Rivera 2017, 1116; Yin 2003). This approach is well-suited to the study of SGM disclosure—especially as practices of disclosure may change over time. The data collection spanned six years—totaling fifty months between 2014 and 2019. In an agreement with my university’s institutional review board, my project was limited to minors age seven or older. To protect the legal interests of the minors in this study, attorneys reviewed data that was collected from participant observations and field interviews of the legal process. In this review, the attorneys and I negotiated data points that would be redacted or not used in research writing while the respondent had an active legal case—this process was also approved by my university’s institutional review board.

Participant observations were centered on a legal non-profit in the New York metropolitan area, hereafter referred to as Relief for Migrant Children (RMC). RMC had several offices and referral sources that contributed to its caseload. Cases came from those in the community who heard of RMC’s services, existing relationships RMC had with ORR shelters, connections to private firms taking on pro bono cases, co-counsel with legal clinics or legal aid organizations, and in-person intakes at immigration courts. Thus, the diversity of cases that became part of RMC’s caseload and, subsequently, my study made RMC a robust site for empirical and theoretical work. While the type of firm—whether pro-bono, low-bono, or private—may inform how cases are assessed and taken on (Galli 2023a), RMC did not prove to have such a cohesive strategy; legal staff had considerable autonomy, furthering the empirical and theoretical leverage of such a research site.

I gained access to RMC by volunteering as a Spanish interpreter, which evolved into volunteering in the capacity of a paralegal as well. This provided me with access to the cases of Central American unaccompanied minors from their first hearing in

² These are asylum cases heard in immigration court with an attorney arguing in favor of the removal of the asylum applicant. ‘Unaccompanied alien children’ are allowed to take part in non-adversarial interviews in an asylum office.

immigration court (where removal proceedings began) to the outcome of their cases (whether approval or denial), as well as all the aspects of client representation in-between. Because data were collected as the minors underwent legal processing, it could be posited that this scenario may condition individuals to present skewed information that they perceive the courts or attorneys may want to hear. However, studies suggest that what is more likely is for attorneys to reconfigure or translate what they are told in ways that allow migrants to fit the parameters of legal relief (see Villalón 2010; Lakhani 2013; Galli 2018). By observing cases from open to close, I collected data before this translation or reconfiguration process occurred.

Minors in each case also participated in semi-structured in-depth interviews. Interviews spanned a variety of topics and were conducted in Spanish, as well as audio recorded and transcribed verbatim. I translated each interview from Spanish into English. Respondents in this article's subsample were successfully interviewed an average of three times. Interview sessions lasted from thirty minutes to three hours. All respondents were given a pseudonym. In total, the broader study included 63 Central American unaccompanied minors, of which 11 were SGM respondents. Four respondents had marginalized gender identities (two gender non-conforming and two who identified as transgender) and seven had marginalized sexual orientations (this includes men who have sex with men and men who were questioning, of whom two identified; four identified as gay; and one identified as lesbian). Although these marginalized identities can in some cases overlap, my respondents did not indicate such an overlap. All respondents in the subsample obtained legal status, though the broader sample included cases that were denied or resulted in a removal order.

Though the subsample is relatively small, scholars have argued there is the potential to “learn a great deal from small samples” (Compton 2019, 195), especially when such samples are of hidden populations. Occupying social positions as SGM individuals (see Abelson 2014; Zamantakis 2020 for discussions of queer individuals as a hidden population), unauthorized migrants, and unaccompanied minors, it is safe to assume this population counts as hidden—perhaps triply so. Treating each respondent's experience as a case, I assessed for theoretical saturation (Small 2009), which can be attained “within a narrow range of interviews,” more specifically 9–17 interviews (Hennink and Kaiser 2022).

Analysis of the data was done via an applied abductive approach (Timmermans and Tavory 2012) of flexible coding (Deterding and Waters 2021). This began with indexing transcripts and fieldnotes with broad codes that first raised moments where SGM identity was discussed across contexts. In writing analytic memos alongside broad coding, conceptual themes of different forms of disclosure linked to different relational aims and claims emerged. Afterward, the indexed cases were revisited for line-by-line coding, attentive to strategies, considerations, and negotiations in disclosure.

Findings

My findings proceed through three subsections. Taken together, these subsections illustrate how legal consciousness drives decisions around disclosure of SGM status over time and across contexts. Further, they elucidate how SGM Central American unaccompanied minors shift and reconcile their legal consciousness based on

experiences with the state and its actors. These shifts in legal consciousness have spillover effects for disclosure, demonstrating the ways in which immigration processing has socializing effects (Terrio 2015; Galli 2020) that extend into the very performance and cultivation of identity, but also exacerbate violence for SGM individuals. However, after securing legal protections and status, minors exhibited expanded social, institutional, and legal disclosure. This adds to evidence that shifts in legal status can produce changes in claims-making behavior (Tenorio *forthcoming*).

Moment One: Apprehension and State Custody via CBP and ORR

The minors in my study displayed an initial legal consciousness centered on the belief that SGM status provided them legitimate standing to make rights-based claims.³ As such, my respondents recounted displays of high levels of trust in the state and its actors via legal disclosure upon apprehension and in entering state custody. These disclosures were informed by the assumption that should they show good moral character via truth-telling (Galli 2020)—in other words, being forthright about their SGM status, their claims would be recognized and accepted. This is particularly striking given the absence of an adult who could advocate on these minors' behalf, their low legal power due to their lack of legal status, unaccompanied minor's limited knowledge of what awaited them in the United States (Galli 2023b), as well as previous experiences of disclosure in the home country being met with abuse and other traumatic experiences that research suggests might hinder future disclosures (Rose Ragins 2004).

Many of the SGM minors in my study demonstrated this initial legal consciousness by practicing legal disclosure upon apprehension. Some minors intentionally turned themselves in to border patrol agents and disclosed SGM status to signal rights to legal protections. Yaqueline, who migrated from El Salvador to the United States at the age of 16, illustrates this. She was disowned by her family after coming out as transgender at age 14. Afterward, she was sex trafficked within El Salvador and into Mexico by gang members. Upon escaping from the gang, Yaqueline believed "the only way to really escape" was to migrate to the United States. Yaqueline recalled the following as she described turning herself in to border patrol agents:

'Please help me! I am trans, please,' I yelled as [the border patrol agents] pulled up in their car. One of the men came up to me. I told him, 'I cannot go back to El Salvador. I'm not safe there' . . . I told them what happened to me because I trusted them . . . I thought that they would see I was being honest and telling

³ This belief that SGM status provided them legitimate standing to make rights-based claims was extrapolated from a diffuse stream of sources that overall painted the United States as a society that better embraced sexual and gender minorities which would then translate to access to resources, accommodations, and rights. Most respondents noted information spreading from family members who had migrated previously and communicated to those in the origin country that the United States was more tolerant and accepting of SGMs. Others were told or overheard during their migration that immigration officials could offer special protections to SGMs. A few respondents recalled having heard from friends or others in their origin country who were also SGMs that in the United States same-sex marriage, access to medical transitioning, or even serving in the military could not be denied of SGM individuals. The patterns discussed in this article were not exclusive to any of the above sources or content.

them everything . . . that I was doing the right thing . . . [So] the law would help me stay.

Yul illustrates how similar experiences were recounted by sexual minority individuals. Yul was 15 years old when he arrived in the United States from Honduras. He was caught having sex with a man in his hometown at the age of 13, which led to him being “expelled” from his Catholic school, forced him to come out to his family, and resulted in domestic abuse at the hands of his father. With “nowhere else to turn,” he moved in with a gay man a few towns over at age 14. Unfortunately, “that situation became violent too,” compelling Yul to migrate to the United States at age 15. Yul offered the following regarding his encounter with a border patrol agent:

I wanted to be honest, not like others who make up reasons for why they come (to the United States) . . . I told her (the border patrol agent) I needed to leave Honduras because my boyfriend treated me badly and that I had nowhere to go because I was gay . . . my dad treated me badly too . . . I expected they would protect someone like me.

In both instances, Yaqueline and Yul described agents’ responses as concerning, but still allowing them to retain a degree of optimism as they realized they were being taken into custody as opposed to being sent immediately back home. Yaqueline recalled the agent being “very rough” with her as he grabbed her “with a lot of force” to the point she “tried not to cry” from the pain. Though later, Yaqueline held back different tears, tears of relief, from the realization she was not being driven towards the border but further into the United States. Yul recalled the agent’s “serious” demeanor, leading him to believe she perhaps “believed nothing” he was saying, but her further questioning signaled that, perhaps, “there was still a way [he] could be helped.”

Even minors who were not intentionally seeking to be apprehended by border patrol agents practiced legal disclosure, demonstrating a similar initial legal consciousness in the United States. For example, Stefano, who was 15 years old at the time of migrating from El Salvador and identified as gay, recalled trying as best he could to not be apprehended. In his mind, at the time, “if they found [him], [he] would have less chances to live in the United States.” Despite his efforts, Stefano was apprehended, though described as still practicing legal disclosure:

When [the border patrol agents] grabbed me and asked me why I was there, I told them it was the best option I had because I was gay . . . I told them everything . . . I didn’t think me telling them would be a bad thing. I thought it was the right thing for me to do—to be honest. I thought . . . I had the right to be protected.

Stefano recalled feeling affirmed in this assessment by the fact that one of the border patrol agents was “writing down” what he was telling them and “seemed to be listening.”

While research has documented assumed heterosexual and cis-gendered unaccompanied minors turning themselves in upon arrival as a function of their trust in the state and engaging in truth-telling to highlight deservingness across state interactions (Galli 2020), cases like that of Yaqueline, Yul, and Stefano illustrate how, for SGM minors, these same understandings encouraged the added disclosure of SGM status. While in these initial instances, disclosure was met with moving minors through to the next stage in their immigration processing via state custody, in subsequent interactions minors accumulated experiences that challenged their initial, more optimistic legal consciousness.

For many of the SGM minors in my study, their experiences in CBP processing centers severed their initial trust in the state as their disclosure was not met with accommodation or recognition, shifting their legal consciousness about their rights and belonging. Transgender and gender non-conforming respondents, specifically, recounted being placed in waiting areas and facilities with migrants of a different gender identity than they were comfortable with, as well as a lack of staff response to reported mistreatment by others due to their gender identity. Maggie, who arrived in the United States at 12 years old from Guatemala and identified as gender non-conforming, offered:

They kept me in a room with young boys [in the CBP processing center], even when I tried to tell them I did not want to be there, that I did not feel like I belonged there, that I should be with the girls . . . The boys would stare at me and tease me by pulling on my long hair when no one was looking . . . [a CBP staff person] saw once and I yelled out to him but he did nothing. I told them I needed to go somewhere else because I'm not a boy, but they told me I had to stay there . . . As I was sleeping, I could feel [the boys near me] try to touch me. They would grab my thigh or pull at my pants or grab my hair.

Maggie's experience highlights how their gender non-conforming identity was not recognized by state agents as "the immigration detention system is premised on cisgender notions of sex and gender that harm [gender diverse individuals] and maintain[s] a strict two sex/two gender model" (Vogler and Rosales 2022, 699). As a result, accommodations were not provided and, instead, state agents were complicit in this mistreatment. Yet, at the same time, state agents rendered gender-diverse individuals hyper-visible in the space as, for instance, Maggie recalled agents confiscating their hair ties and when they tried other ways to put their hair up for it to appear shorter, agents "forcing" them to keep it down. When Maggie asked if they could change their clothes to remove the pants they were wearing, which were adorned with "bright flowers" and made their feminine presentation more overt, the request was denied. Overall, these practices highlight how the dual hypervisibility and erasure produced by immigration enforcement for gender-diverse adults (see Collier and Daniel 2019; Vogler and Rosales 2023) also extends to minors.

Maggie's experience of non-recognition via lack of accommodations or protective provisions in CBP custody led them to recalibrate their understanding of the law and their rights. To this effect, Maggie shared: "I realized there was no point in telling them [I was gender non-conforming] . . . Telling them wasn't going to change anything." When asked why they believed they were not accommodated, Maggie

added, “because I was nobody . . . They didn’t have to treat me special or listen to me.” When probed further, Maggie offered, “I didn’t have papers.” Maggie’s comments illustrate a shift in legal consciousness regarding rights for SGM individuals, in which legal rights are contingent on legal membership that gives voice and standing.

Yaqueline recalled similarly being placed in a holding room with boys, and when she told state agents she was a girl, they “took off [her] clothes by force to check [her],” and just laughed at her, leaving her feeling “humiliated.” Yaqueline then reconciled this treatment with her initial legal consciousness, coming to terms with the fact that she was not afforded the rights she initially envisioned, but that “one day with papers” those rights might still be possible. To this effect, she shared: “After they treated me like that . . . I was very depressed . . . I kept thinking, ‘I shouldn’t be treated like this, I deserve to be protected, to be safe . . . but then I remembered this (the United States) is not my country . . . Until the officers or the judge or whoever decided I was going to stay, until then, it didn’t matter what rights I had.’”

For sexual minority minors who disclosed their sexual orientation upon apprehension, moments of severed trust and shifts in legal consciousness in CBP custody were often a function of experiencing non-recognition through screenings. Yul, introduced earlier, offered:

The (CBP) officers were asking me questions, but they never brought up what I had told them before . . . that I was gay and what I went through . . . they kept showing me different papers and telling me that I had to go back and that I had to sign and give them fingerprints . . . I told them, ‘How come no one is talking about what happened to me? I can’t go back.’ They kept getting louder and ignoring me, but I kept telling them, ‘You know I’m gay, why won’t you look at me, why won’t you say it?’

Yul noted being incredibly “frustrated to the point of crying,” contemplating whether the officer’s unwillingness to recognize his disclosure was proof that his initial legal consciousness about legal rights and belonging as an SGM individual was wrong and that his identity did not in fact provide him protection or the opportunity for a better life in the United States. Yet, Yul discussed how he concluded that “as an immigrant, they (border patrol agents) can do that . . . deny that I am gay . . . that’s why they tried to send me back and they wouldn’t say that I was gay back to me . . . Even if I stood up to them, it only could do so much to change things . . . What would really change things is if I had the right to stay (legal status).”

Other minors did not have their legal consciousness regarding their rights or belonging challenged until they entered ORR custody. However, these cases saw their legal consciousness shift, not as a result of legal disclosure but as unexpected outcomes of social disclosure, further illustrating the connectivity between different forms of disclosure and legal consciousness for unaccompanied SGM minors. For instance, Stefano grew close to one of the other boys in the ORR shelter where he was first placed in. One day, one of the ORR staff members asked Stefano about the other boy—having noticed how close they were, “I told her that we were dating . . . I liked her (the ORR staff member) and wanted her to know . . . it felt nice to be able to tell someone that I saw all the time . . . I thought everything was good. She didn’t react

badly; she smiled when I told her. But then, the next day, they told me I was going to go to another shelter,” Stefano shared. Despite arguing with staff that he and the other boy “deserved to stay together” and that they were following shelter rules by “being respectful of one another and maintaining personal space,” Stefano recalled the staff simply repeating, “We can’t have that happen here.” Going through multiple shelters was not uncommon for the SGM minors in my study—paralleling a pattern also seen among SGM adults in immigrant detention (Vogler and Rosales 2022)—though this was always self-reported as the result of social disclosure as seen in cases like Stefano’s. When I asked Stefano about what he took away from that experience, he added, “I guess, it was not the right time for me to date someone . . . that’s what I think they (the ORR staff) were trying to tell me, that it wasn’t appropriate . . . I learned dating and that sort of stuff is for when my life is normal.” When probed further, Stefano added:

You can’t date and be illegal, that doesn’t make sense, it’s not appropriate . . . They (the ORR staff) told us all the time the most important thing was our case, and we shouldn’t cause any problems or act inappropriately . . . So, I felt like even though I wanted to live differently than in El Salvador, I couldn’t yet. I felt like I should keep being gay to myself . . . that’s when I decided I wasn’t going to talk about being gay or what happened in my case like I was planning to—it wasn’t possible like how I thought before.

These comments illustrate how even though the aim of disclosure (social versus legal disclosure) and context (CBP custody versus ORR custody) was different, the shift in legal consciousness remained similar to the cases outlined prior. More specifically, minors’, like Stefano, legal consciousness shifted from a general understanding that SGM status provided grounds for protection, recognition, and accommodation to an understanding that this was first contingent on legal membership. Even further, these experiences also shifted how minors understood the appropriate ways, times, and contexts in which they could express their SGM identity.

Experiences like that of Stefano also illustrate my respondents’ desire for belonging and intimacy, which encouraged social disclosure, especially given how disclosure of his sexual orientation to those close to him in El Salvador was met with “shame” and feeling like his family “loved [him] less because of it.” This desire for belonging and intimacy can lead to social disclosure to individuals not accounted for in traditional models of disclosure and identity formation. Such models often describe disclosure occurring with a “significant” person (Devor 2004; Lev 2004); however, they do little to outline what that level of prior intimacy may look like. In Stefano’s case, the context of state processing and negative disclosure history significantly lowered the threshold of intimacy to individuals that provided basic consistency, such as frequent encounters or interactions. This lower threshold, though allowing SGM minors to potentially experience the social psychological benefits of disclosure absent traditional outlets, left them vulnerable to audiences that could exacerbate trauma, exclusion, and legal violence.

Social disclosure for gender minority unaccompanied minors also resulted in similar shifts in legal consciousness—even if they received some form of recognition

or accommodation in ORR custody. Tania, 10 years old, gender non-conforming, and from Honduras, recalled how the ORR shelter provided them with clothing that Tania deemed appropriate for their expression. In addition, they were allowed to stay with female minors, which was the group they were most comfortable with. Tania was also provided access to mental health services at the shelter. This prompted Tania's social disclosure, again signaling a lower threshold than perhaps other models have conceptualized for SGM individuals. To this effect, Tania shared, "It was nice to talk to someone about what happened in Honduras, and to have someone who wanted to listen . . . I kind of felt close to them (the clinician) and I decided to tell them more about me." However, not all was recalled favorably, as Tania continued:

I told [the clinician] that I was not a boy. They asked me if I was a girl and I told them no . . . I told them about other things already, so I felt I could share with them . . . about not feeling like a girl or a boy . . . They kept asking me why I was not a girl or why I was not a boy. I was annoyed . . . I would get very angry and get hot and start pulling on my skin . . . Then [the clinician] gave me medicine that day and told me I had to take it. I didn't know what it was for, and I didn't want to take it, but I had to . . . I felt like they were saying I was sick or that I had some problem (pointing to their head).

Medicalization as a response to the disclosure of SGM status was noted largely among gender minority respondents. Such instances of having their expectations of the law and claims made based on gender identity were difficult to process, leading respondents to question not only their expectations of acceptance in the United States but also their own identity and sense of self. To this effect, Tania shared:

I was confused and angry . . . the more I thought about it, the more I didn't know how to feel about myself, what to say to the people at the shelter or anyone about me anymore . . . I felt like I didn't have the right to be who I am, even here (in the United States).

Later in the same interview, Tania shared how those experiences informed them to no longer opening up about their gender identity for the remainder of their time in ORR custody, as well as the decision to no longer discuss it as part of their legal case, as they had previously intended.

Overall, the evidence offered in this section illustrates how SGM unaccompanied minors' migration context, as well as their initial legal consciousness, encourages disclosure. However, this disclosure also leaves them particularly vulnerable in an immigration system ill-equipped or unwilling to translate this disclosure into protections through the different stages of legal processing (see Vogler and Rosales 2022 for parallel findings for transgender adults). Further, it expands the argument in extant research that state-controlled spaces shape unaccompanied minors' understandings of the law and behavioral norms (Galli 2020), illustrating how they also shape fundamental understandings of, or doubts about, perceived rights to SGM identity and expression in significant ways.

Moment Two: Disclosure Post-Release and During Legal Strategizing

Once released to a sponsor in the United States, the minors in my study were summoned to appear in immigration court and officially entered deportation proceedings. At this stage, minors were connected to RMC for legal representation either by being screened at their initial immigration court appearance, via non-profit referral, or upon seeking representation of their own. Once they were connected to RMC, minors were screened and channeled towards different paths for immigration protections.

While we might expect the fraught experiences regarding disclosure in state custody to result in minors withholding disclosure altogether throughout the remainder of their legal case, my findings suggest that, instead, SGM unaccompanied minors engaged in highly selective disclosure. For most of the respondents in my study, this selectivity involved foregoing further legal disclosure after being released from state custody. This was informed by a shift in their legal consciousness, which newly understood their rights as SGM individuals contingent upon legal membership, as well as newfound uncertainty about how their SGM status might be received and recognized in the United States.

Emmanuel's story illustrates how respondents maintained their decision to forego legal disclosure even amidst attempts at encouragement, reconsideration, and education from their attorneys. Emmanuel migrated to the United States from El Salvador at 11 years old. Emmanuel came out as gay to his attorney when citing how a gang member threatened to "out" him to his school and family in El Salvador if he did not join them. The attorney pressed Emmanuel to say more, wanting to pull more information about the incident to build up his case. However, Emmanuel shut down. "I know it can be uncomfortable," the attorney pressed, "but this information can really make a difference in your case . . . If [the judge] thought you were gay or you are gay—which is okay—that can help us . . . you can have a better chance at winning." Even as the attorney walked Emmanuel through what he could expect and why precisely disclosing would provide him more of a chance at legalization as opposed to processing the case without this information, Emmanuel refused to cooperate further. In an interview with me afterward, Emmanuel offered the following, highlighting how his legal consciousness post-release kept him from taking the advice of the attorney:

I didn't want to talk about it more because I didn't want people to react badly like [in the ORR shelter], especially the judge . . . I didn't want it to ruin my chances to stay . . . I don't know how they (the judge) would react because I was wrong before (with ORR) . . . I know [the attorney] said it could help, but I don't have papers so the judge can still say no to me . . . [With papers] people will treat me different, and I won't have to be afraid anymore.

Emmanuel's imagined conversations with the judge in which disclosure went awry showcases the enduring consequences of his previous negative experience with disclosure in ORR custody, potentially exacerbated by the intimidating or tense questioning of family court judges in cases of special immigrant juvenile status (see Tenorio 2020). To the latter, Emmanuel recalled how in his first interaction with the

judge, he realized “once the judge doesn’t like how you respond to one question, they will keep asking more and more, making it worse for you.”

Despite not engaging in legal disclosure, Emmanuel’s discussion of his sexuality and the role it played in his migration decision was an intentional act of social disclosure. Several of the minors who chose to not engage in legal disclosure followed this pattern of practicing social or institutional disclosure instead. Doing so, allowed minors to advance their desire for belonging and connection while reaffirming possible imagined futures in the United States. To this effect, Emmanuel offered:

I was afraid [the attorney] might be mad or that he would say, ‘I can’t work with you anymore’ after he knew . . . I wanted to let him know to see what would happen . . . It felt nice when he said, ‘thank you for telling me.’ . . . He knew it was a special thing to share . . . It was like what I imagined telling people in the United States [I am gay] would be like; that’s all I wanted when I told him, to feel that . . . I am sure now here [in the United States] is where I can stop hiding. I just have to wait until my case is over and I have my papers.

Though we may expect minors’ selective disclosure to be contained to interactions relevant to their legal cases, Emmanuel’s case also illustrates how legal consciousness and the socialization from experiences in state custody had spillover effects on disclosure in other settings and contexts. Emmanuel was released to his father, who lived in the United States undocumented and who was openly gay. At first, their relationship was difficult due to being separated for “so many years,” which made talking about certain subjects with his father “uncomfortable.” Yet, he decided not to come out to his father—even when his father had asked him if he was gay. Emmanuel was also enrolled in public school while he was in deportation proceedings. Throughout his legal case, even though he “made some friends” with peers who he could “talk to in Spanish” at his school and whom he felt “close to,” he chose to not come out to anyone at the school. Though these disclosures may be unique in their own right, Emmanuel drew connectivity between them in our interview, reiterating that “it was not the right time,” that at the time he “needed to keep it mostly to [himself], because that’s what [was] appropriate for [his] case,” and that that was just “the way it [was], even though at times [he] felt like [he] really wanted to tell them,” demonstrating the enduring socialization effects of state custody.

Maggie’s case illustrates how gender minority minors engaged in similarly selective disclosure due to experiences in state custody shifting their legal consciousness. In contrast to Emmanuel, who waited to disclose his sexual orientation to his attorney until after they had met several times, Maggie disclosed not identifying as male or female in their second interaction and even asked the attorney to call them “Maggie,” something that was previously only reserved for their caretakers. The embodiment of their gender identity created a pressure to disclose or “explain” themselves—echoing studies highlighting how gender-diverse people must navigate managing the observations, perceptions, and experiences of their physical bodies and expressions for others (see Kade 2021). This was not only true for Maggie but most of the gender minority respondents in my study. In their own words, Maggie offered, “I knew [the attorney] would wonder, if she ever heard, why I was called

Maggie instead of [my legal name] . . . I also have long hair and the way I dress sometimes . . . I had to tell [the attorney].”

Despite this awareness, Maggie was adamant about avoiding legal disclosure, instead choosing to practice institutional disclosure aimed at accessing resources and support. This allowed Maggie to establish an infrastructure that could be leveraged after their legal case was settled, to have the more open, free, and authentic life they envisioned. After having disclosed this to their attorney, Maggie asked if the attorney could help them find other youths like them. Two weeks later, Maggie was connected to a group of gender-diverse youth. For Maggie, connecting to this group not only allowed them to experience some sense of belonging but also helped reaffirm some of their initial optimism about their imagined future in the United States. Maggie explained:

I wanted to see what other kids like me [in the United States] are like . . . I wanted to see if I could be like them . . . I found out, I was right, we’re really not so different . . . Well, we are different, but not *that* different.

When asked to elaborate, Maggie added, “I’m not really sure . . . I need the judge to give me permission to stay . . . my papers, I guess. That makes us different.” Maggie continued, “I’ve made good friends in the group . . . I see how they live, how they are treated at school . . . everything is what I imagined, what I wanted in Guatemala. I can really have it here.” When I asked if they were to remain undocumented like their sponsors if this would still allow them to be like the youth they met, they offered, “No, then I couldn’t be me.” This sentiment reflects the persistence of the belief that rights, and to a degree identity, as an SGM individual were understood as contingent on legal membership. At the time, Maggie had not disclosed their gender identity to anyone at their school or asked for any kind of accommodations, even though they had “learned how [other youth] in the group” had done so in order to feel “more comfortable” and “be happier.”

The evidence offered in this section illustrates how negative experiences of disclosure in CBP and ORR custody contribute to SGM unaccompanied minors’ withholding of legal disclosure. This has significant stakes as one of the enduring challenges of pursuing SGM immigration protections is limited case precedent, especially for non-adults (Hazeldean 2011; Terrio 2015; Hedlund and Wimark 2018). However, obtaining legal protections in the United States immigration system as an unaccompanied minor is a long and complex process (Ruehs-Navarro 2022; Galli 2023a). For instance, adjustment of status to lawful permanent residency can take anywhere from several months to a few years, as evidenced by the cases I observed in this study. While this period of pursuing protections and awaiting adjustment of status is in many cases characterized by continued worrying (for example, see Kalisha 2020), it is not “dead” time or spent passively waiting. Indeed, rather than foregoing disclosure entirely until the adjustment of their immigration status or final decision on their legal case rendered, SGM unaccompanied minors engaged in creative resistance and productive management of their time (Kohli and Kaukko 2018) through disclosure. In practicing strategic social and institutional disclosure of their SGM status, unaccompanied minors assessed the viability of their once-imagined future in the United States and built an initial foundation of support for themselves.

Moment Three: Life Post-Legalization

Holding to the idea that significant change would come when their legal future in the United States became more secure, once the minors in my study were granted legal protections, their disclosure of SGM status changed significantly. This feeling of security came either by formal recognition that their protective status was approved or notice that their status had been officially adjusted to lawful permanent residency—milestones my respondents were able to understand through the advisement of their attorneys. While research on immigrant adults suggests they understand distinctions in different forms of legal status—for example, adults with lawful permanent residency pursuing naturalized citizenship to expand their security and rights (see Chen 2020)—the time spent with my respondents suggests that they often understood their presence in the United States through a binary lens of unlawful or lawful. In other words, having no legal status versus having legal status (also referred to as having “papers” by many respondents, which could reference both protective status and lawful permanent residency or a “green card”). Below, I outline two ways in which disclosure shifted for the minors in my study post-legalization.

First, SGM Central American unaccompanied minors engaged in broader disclosure practices post-legalization—making their sexual orientation and gender identity known or more public to individuals and institutions. These practices were driven by feelings of belonging and membership that legal status and protections provided. For example, Emmanuel shared the following in discussing social disclosure post-legalization:

I’ve told a lot of people. I’ve told people at school, like my teacher, my friends . . . I even told my pastor I’m gay . . . I thought about maybe how they might not be happy with me or whatever, but with my case being over, I’m done hiding . . . I’m just like other kids now . . . I can have a normal life . . . Not everyone is as nice (about him being gay), but it doesn’t bother me . . . even if some people don’t want to be friends or be around me, it can hurt, but it doesn’t feel like I need to not be myself or like I shouldn’t be here.

Emmanuel’s comments illustrate a sense of belonging felt by seeing himself on similar terms as his peers. Further, his comments demonstrate that even if his sexual orientation was not widely accepted across all interactions, this foundational sense of belonging endured, spurring a greater willingness to accept the potential costs of disclosing their SGM status to even potentially less tolerant audiences. These types of responses were not unique to sexual minority individuals. Yaqueline offered the following, reflecting on social disclosure as trans to friends at school and family members in the United States, and even changing her social media profile icon to the colors of the trans flag in order to signal trans identity more publicly:

When [my attorney] told me that everything was finally done, that I had my papers, I felt relieved, it’s kind of corny but, I cried because I felt accepted . . . even if there were a lot of issues with the case . . . Then I started to think about all the people who I hadn’t told (I am trans) . . . I felt like I could finally tell them who I was . . . I was free to be me . . . So, in the weeks after my case

[closed], I started telling people . . . Now that I think about it, I kind of rushed it . . . I probably wouldn't have done that if it weren't for my case going the way it did . . . it felt like a lot at first to have so many conversations like that, but it felt good too.

Yaqueline's comments illustrate how the sense of belonging conferred by legal status was felt even in cases where the process of legalization itself was fraught, continuing to yield broadened disclosure. Moreover, the cases of Yaqueline and Emmanuel illustrate how legal status and, relatedly, legal consciousness play an important role in shaping an individual's willingness to disclose, their perceptions of risks, as well as the connected meaning and expediency it is given.

Aside from spurring social disclosure, legal status also provided respondents with a sense of legitimate standing that further encouraged institutional disclosure. For example, Yul and Tania practiced institutional disclosure to healthcare providers post-legalization. Yul, specifically, disclosed in order to "get tested" for sexually transmitted infections, while Tania disclosed in order to access mental health support to discuss how they felt about changes they were noticing with their body that made them "uncomfortable." While I expected minors who engaged in such institutional disclosure around difficult conversations to have a fear of a loss of information control, which has been documented in other contexts to deter institutional disclosure (Rose Ragins 2004; Van Dyke et al. 2021), the minors in my study expressed a belief that their standing allowed them some authority over who the information was or was not shared with. To this effect, Yul shared: "I did think about whether or not they would tell my cousin (his custodian in the U.S.), but I made sure to tell the nurse and the doctor I did not want anyone to know . . . They had to respect that decision because I had my papers now." While Yul's ability to go through with this was likely a function of the fact that in New York State minors can be tested for sexually transmitted infections without parental consent, his comments illustrate the significant degree of empowerment the transition in legal status provided him relative to SGM status and related claims. In Tania's case, with legal status, they felt like they could "get treatment" and have "more control" over their interactions with service providers. This prompted them to discuss feeling "ashamed" about their body. When the conversation of whether it might be best for Tania to take puberty blockers and undertake other medical interventions, Tania shared feeling like they now had the right to treatment and the future it would allow them to live: "Now that my case is over, things don't have to be the way they were . . . Winning my case means I can live the life that I want to live, the life that feels right for me." Apart from illustrating the empowerment and broadened imagined future that legal status provided, Tania and Yul's cases highlight the detrimental effects of constrained disclosure prior to this point. Yul had not sought health screening or information on how to practice "safer sex," despite concerns he "maybe was infected," while Tania bottled frustrations and even self-harming thoughts until after their case was settled.

Not only did minors express and demonstrate greater comfort in disclosing their SGM status, they were finally able to exercise legal power related to their status. Though their trust in the state was not entirely restored, despite being successful in obtaining protections and status, their newfound empowerment via legalization

allowed them to exercise rights-based claims across work and educational settings. Maggie asked their teachers and administrators at their school to call them “Maggie,” when telling them they did not identify as male or female after getting their Green Card.⁴ Before, they would only refer to Maggie by their legal name and were not aware of Maggie being gender non-conforming. Even though Maggie had met other gender minority children in the youth group, they were connected to who navigated disclosure through schools. Maggie refrained from doing so until their case was settled. In a one-on-one interview, Maggie noted:

Now (that I have papers), I ask them to call me ‘Maggie,’ . . . they *have* to call me Maggie now . . . I have the right to be called what I want to be called . . . at first, they weren’t sure or they didn’t want to . . . but I kept reminding them they had to call me Maggie.

Though Maggie’s comments illustrate residual skepticism regarding how their claims via disclosure are responded to, they also demonstrate a sense of empowerment and persistence to advocate for their rights with legal status.

Amedeo, who identified as gay and migrated to the United States from El Salvador at age 13, and obtained legal protections by age 16, illustrates a similar dynamic and finding in the context of work life. Amedeo came out to his coworkers and boss to not only broaden social disclosure but to also make claims to his rights. Amedeo shared the following in our last interview:

I didn’t want them to know [before closing my case]. I didn’t want to lose my job or maybe they would report me for working to the judge or maybe they would do something to me . . . Some of them are very, you know, manly so I have to act different around them . . . Now, I’m not afraid anymore or have to act different. There’s no reason now . . . I have papers . . . If they did something, I am protected; they can’t do that just because of who I am.

While Amedeo’s fears regarding claims-making pre-legalization echo findings of undocumented adults (Gleeson 2010), his comments demonstrate how legalization allowed him to lay claim to his rights. Amedeo asked his boss to be moved to a different crew when a crewmember developed a habit of “joking around” and making him uncomfortable. “I told [my boss], ‘Maybe for other guys it is okay, but come on. You know I am gay, it is not the same when he does those things to me.’ He understood or maybe he didn’t, but he had to move me to a different crew.”

These sorts of workplace claims were not exclusive to older SGM minors either, as some younger minors found themselves in positions where they needed to prioritize work life (see Canizales 2023). Carla, who identified as lesbian, migrated to the United States from El Salvador at 10, and obtained legal protections by age 13, made similar claims. In our last interview, Carla described how in the factory she worked in “the (adult) women made [her] do harder work,” while telling them, “if she thinks she’s a

⁴ Not all states allow teachers to refer to students by a requested gender identity, name, or pronoun that differs from official documents. At the time of writing this paper, these state include: Alabama, Arkansas, Florida, Indiana, Iowa, Kentucky, Montana, North Dakota, Tennessee, Louisiana, and Utah.

man, and all manly, then let her work like a man.” In addition, they noted how the adult women would “make comments about how God is going to punish [her].” While Carla “held [her] tongue” prior to obtaining legal protections, once her case was “won” she had the courage to “complain to [her] boss,” who eventually “made all the women stop.” While other studies have found legalization results in gendered differences in workplace claims for first-generation immigrants (Tenorio [forthcoming](#)), the claims made in my study by SGM 1.25 and 1.5 generation immigrants—who arrived prior to the age of 18—all focused their claims on better treatment and enforcement of their work rights that did not have an attached monetary value, suggesting that the empowerment of legal inclusion may be limited to aiding the financial disadvantages SGM individuals face more broadly in the labor market (Badgett, Carpenter, and Sansone 2021).

The evidence offered in this section shows how SGM unaccompanied minors changed how they acted in relation to the law post-legalization, specifically through their disclosure practices and related claims made to rights and belonging. The broadening of disclosure and claims-making across contexts illustrates how empowering transitions in legal status and standing can be.

Discussion

There are a few important limitations to the present study. An alternative or possible partial explanation for my findings—especially post-legalization—may be that disclosure of SGM status increases as individuals become older. For instance, age may correlate with factors like greater awareness and comfort with identity. To the extent this may explain what is observed in my findings, my respondents attributing their disclosure practices to their newfound legal status, connection to their initial trust in the state, and their imagined view of life in the United States signals that, even still, legal consciousness may moderate age effects. Future research should explore how different factors interact with age to explain connections across disclosure decisions.

While my data spans several years across different moments in state and legal processing, it is limited in its ability to account for if, and how, my respondents’ practices of disclosure might shift again in the future in response to new shifts in legal consciousness. Though this is beyond the scope of the present study, there are a few mechanisms gleaned from extant research that may lead to a future shift. Most notably, changes in immigration policy, particularly those that heighten migrant precarity (Solórzano 2022) may reconfigure how migrants understand and respond to the law. Such precarity might even be felt by those who hold lawful permanent residency, as policy changes such as heightened enforcement can lead to migrants reassessing the stability and security lawful permanent residency may provide (Chen 2020). Obtaining naturalized citizenship may also shift respondent’s legal consciousness yet again, depending on how they internalize this new legal status. Future research ought to examine how the accumulation of negative experiences after periods of empowerment and claims-making, like those recounted in the present study, are adapted to or potentially lead to new shifts in legal consciousness and disclosure. This might provide a unique vantage point into SGM’s resistance to state authority and institutional discrimination.

Designing a study around disclosure leaves it vulnerable to only observing positively selected cases or cases where disclosure—at least in some form—did occur. Acknowledging this, the present study focuses on nuancing disclosure beyond the fact that it did occur, capturing differences in the aims of disclosure, how different forms of disclosure were managed, and how this changed over time. While identifying cases where no disclosure took place is beyond the methods of this study, future research using survey methods with unaccompanied minors (for example, see Lorenzen 2017)—particularly those with a longitudinal design—may be useful to bring such cases to light.

My findings also raise important questions worth considering theoretically—namely, how might SGM unaccompanied minors who have diverging careers of disclosure along the moments I focus on fare? I want to draw attention to two particular cases not observed. First, we may consider those who were not apprehended by CBP and therefore did not practice disclosure in state custody. This group—particularly those who did not turn themselves in to be apprehended—may embody what Ewick and Silbey (1998) refer to as an “against the law” legal consciousness, where the law is seen as inaccessible and arbitrary. This may constrain legal and institutional disclosure far more than exhibited by those in the present study, especially as they will likely remain undocumented. Undocumented status may considerably constrain legal and institutional disclosure, given that undocumented status is correlated with foregoing claims to legal rights (Gleeson 2010; Abrego 2011) and heightened concerns of visibility, or being “on the radar” of the state or related institutions (Asad 2020). We may also expect social disclosure to be fraught among SGM unaccompanied minors who were not apprehended and lived in the United States undocumented. Undocumented status complicates how the disclosure of SGM status is navigated (Cisneros and Bracho 2019), and even in the context of family or close social ties mixed responses to disclosure have been documented (Carrillo 2017; Ramirez 2020). Further, navigating life in the United States as an unaccompanied youth absent legal protections may compound social isolation and challenges in the transition to adulthood (for example, see Canizales 2024).

We may also consider the case of SGM unaccompanied minors who are denied legal protections. Future research, focusing on what becomes of unaccompanied minors denied legal protections—whether SGM or heterosexual and cisgender—is needed to understand how this affects their legal consciousness and related behaviors. These SGM minors might see a shift to an “against the law” legal consciousness, promoting the withholding of legal and institutional disclosure in the United States, should they remain in the United States undocumented. However, if they are deported, it remains an open question as to whether and how their experience with the United States immigration regime might affect their behavior upon return to their country of origin, or in another country.

It is important to note that my positionality as a queer Latino may have affected the results of the study. Over my time in the field, it became clear that the respondents and I were engaged in a process Meadow (2018) calls “studying each other,” in which the respondents in this article were trying to understand who I was and how I identified, as much as I was trying to understand them. Rather than disclosing my SGM status to respondents, many asked me about this directly or assumed this of me, in line with research on stereotypes of how individuals read voice

or facial features as embodiments of sexual orientation (Glick et al. 2007). This may have provided them with a unique comfort in disclosing SGM status during their interactions with staff and attorneys at RMC, as well as allowing this information to be used for research purposes. However, the present study ought not to be interpreted as something *only possible* because of “inside status.” Indeed, qualitative researchers in immigration studies have noted how equally rich and substantive data have been yielded from researchers with “outsider” status (Jiménez 2009).

Conclusion

Extant research highlights how unaccompanied minors come to learn more about what is expected of them and how they are perceived throughout the migration journey (Escamilla García 2020) and into their experiences with the U.S. immigration regime (Terrio 2015; Ruehs-Navarro 2022; Galli 2023b). The present study builds on this line of research by highlighting how the nature of these experiences is not just shaped by age—a common point of emphasis in this literature—or nationality (Escamilla García 2020), but also gender identity and sexual orientation.

I develop a temporal argument demonstrating how legal consciousness drives decisions around disclosure for SGM Central American unaccompanied minors over time and across contexts. Further, I show how SGM unaccompanied minors shift and reconcile their legal consciousness based on their initial negative experiences with the state and its actors in a way that leads them to interpret the rights and affordance of disclosure and SGM identity to legal membership or legal status. There are three moments I emphasize in my temporal argument.

In the first moment—apprehension and state custody—SGM unaccompanied minors displayed considerable initial trust in the state and its actors by disclosing their identity in making claims to their legal rights, seeking accommodations or protections, and building intimacy with those they felt close to even if they were state actors. This challenges the perspective in extant literature that more vulnerable SGM individuals, such as minors and people of color, may be especially reluctant to disclose SGM status in institutional contexts (Van Dyke et al. 2021). It also adds to research noting how trust is an important dimension in unaccompanied minors’ initial legal consciousness (Galli 2020). However, these initial displays of trust were largely met with non-recognition, discipline, and the socialization of normative understandings of sexuality and gender, illustrating how immigration processing exacerbates violence for those who disclose SGM status (Vogler and Rosales 2022).

The second moment—deportation proceedings and the pursuit of immigration relief—illustrates a critical shift in SGM minors’ legal consciousness based on their experiences in state custody. Where, initially, they believed SGM status could provide them access to resources, rights, and protections, after being released they understood these benefits as contingent on legal membership. As a result, despite attempts at persuasion and education by their attorneys, the minors in my study largely concealed their SGM status from their legal case. This contributes to research documenting how undocumented status is internalized in ways that suppress immigrants’ claims to rights and protections (for example, see Gleeson 2010), as well as illustrating how immigration detention produces the dearth of case precedent for non-adult SGM migrants, creating further challenges to pursuing protections

(Hazeldean 2011; Terrio 2015; Hedlund and Wimark 2018). Instead, disclosure was used as a means of exploring and reassuring their legal consciousness and expectations of what life as an SGM individual could look like once legalized. Overall, this moment captures how immigration processing not only informs how unaccompanied minors understand normative behavior and their rights (Terrio 2015; Galli 2020) but extends this into the very performance of identity with consequences for its development in the host society.

The third moment—post-legalization—sees the minors in my study expand disclosure significantly across interpersonal and institutional contexts. This disclosure served to advance a more authentic life for themselves. In addition, legal status allowed them to realize the full extent of their legal consciousness as they made rights-based claims on their SGM status across contexts. Such findings contribute to research documenting how transitions in legal standing—namely legal status—may provide critical social-psychological effects that bolster claims-making through notions of standing and legitimacy (Abrego 2008, 2018; Tenorio *forthcoming*).

The experiences recounted in this study are particularly valuable to our understanding of the disclosure of SGM status. First, extant literature on SGM migrants has focused on disclosure for activist youth and adult settled migrants, both of whom evaded state apprehension and custody (for example, see Cantú 1999; Decena 2008; Acosta 2013; Terriquez 2015; Carrillo 2017; Cisneros and Gutierrez 2018; Cisneros and Bracho 2019). Unaccompanied migrant minors' extensive engagement with US legal and immigration systems provides unique opportunities to examine diffuse state intrusion into SGM migrants' lives.

Moreover, the present study demonstrates how disclosure spillover effects may be seen not only across contexts (for example, state custody versus an attorney's office) but also across disclosure with different relational aims (for example, legal disclosure versus social disclosure). Research across the social sciences has advanced the study of disclosure in distinct contexts. In interpersonal contexts, research has examined how disclosure is negotiated when disclosing to friends, family, romantic/sexual partners, and co-workers (Asakura and Craig 2014; Brumbaugh-Johnson and Hull 2019; Doan and Mize 2020; Kade 2021). In institutional contexts, research has examined disclosure decisions in accessing health care services (Rossman et al. 2017), college admissions (Van Dyke et al. 2021), obtaining forms of government identification (Meadow 2010; Westbrook and Schilt 2014; Nisar 2018), courtroom settings in marriage (Richman 2010, 2014), adoption (Connolly 2002), and asylum cases⁵ (Spijkerboer 2013; Lewis 2014). However, scholars have noted that attention to disclosure across interpersonal and institutional contexts remains limited—particularly with respect to how disclosure in one context may have collateral disclosure effects in other contexts (see Van Dyke et al. 2021). Future research would benefit from building on designs like the present study to examine disclosure decisions across contexts, not only in efforts to build out typologies but also to examine how these decisions may be connected and part of a cohesive career of identity management (Guittar and Rayburn 2016).

⁵Extant research on SGM asylum cases focuses less on the disclosure decisions, but rather how SGM status is scrutinized by case adjudicators (Hazeldean 2011; Terrio 2015; Hedlund and Wimark 2018).

Lastly, research on the disclosure of sexual orientation and gender identity remains scant in contexts of early, middle, and late childhood—resulting in a critical gap in our understanding of how these people experience, feel, and behave relative to these categorical identities across social positions (Carpenter 2015). The present study illustrates how younger individuals, especially in the absence of traditional social networks and safety nets, may engage in disclosure, lacking attentiveness to unintended consequences that ultimately place them in more precarious positions. Further, certain experiences may have considerable scarring effects, as minors in the present study avoided legal disclosure in their case, despite the benefits it may have presented and the insistence from actors like their attorneys. Despite all of this, my findings also demonstrate how even minors at the intersection of critical vulnerabilities are strategic (Orne 2011) in their disclosure decisions and actively capitalize on their agency in complex identity management.

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Appendix A. Sample of Sexual and Gender Minority Central American Unaccompanied Minors (N=11)

Pseudonym	Origin Country	Age at Arrival	Gender Identity	Sexual Orientation	U.S. Sponsor	Connection to RMC	Migration Context
Yaqueline	El Salvador	16	Transgender	Heterosexual	Extended Family	Screened at Initial Court Appearance	<ul style="list-style-type: none"> Disowned by Immediate Family Sex Trafficked
Yul	Honduras	15	Male	Questioning	Extended Family	Non-Profit Referral	<ul style="list-style-type: none"> Domestic Abuse Expulsion from School due to Sexual Activity
Maggie	Guatemala	12	Gender Non-Conforming	Heterosexual	No Prior Relation	Non-Profit Referral	<ul style="list-style-type: none"> Parental Neglect
Emmanuel	El Salvador	11	Male	Gay	Father	Non-Profit Referral	<ul style="list-style-type: none"> Gang Threat and Activity
Stefano	El Salvador	15	Male	Gay	Mother	Screened at Immigration Court	<ul style="list-style-type: none"> Gang Threat and Activity Stigma from Religious Community
Tania	Honduras	10	Gender Non-Conforming	Heterosexual	Extended Family	Sought Representation	<ul style="list-style-type: none"> Severe Poverty Caretaker Abandonment

(Continued)

(Continued)

Pseudonym	Origin Country	Age at Arrival	Gender Identity	Sexual Orientation	U.S. Sponsor	Connection to RMC	Migration Context
Amedeo	El Salvador	13	Male	Gay	Extended Family	Sought Representation	<ul style="list-style-type: none"> • Gang Threat and Activity • Economic Provision for Family
Carla	El Salvador	10	Female	Lesbian	Extended Family	Screened at Initial Court Appearance	<ul style="list-style-type: none"> • Sex Trafficked
Nallely	Guatemala	9	Transgender	Heterosexual	Mother	Non-Profit Referral	<ul style="list-style-type: none"> • Parental Neglect
Rudolfo	Honduras	12	Male	Men Who Have Sex with Men	No Prior Relation	Sought Representation	<ul style="list-style-type: none"> • Gang Threat and Activity • Economic Provision for Family
Patricio	Guatemala	7	Male	Gay	No Prior Relation	Screened at Initial Court Appearance	<ul style="list-style-type: none"> • Domestic Abuse • Expulsion from School due to Sexual Activity

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