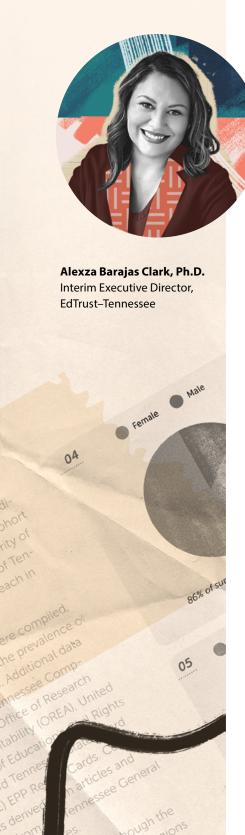
Rising Together:

Removing Institutional Barriers for Undocumented Students to Thrive in Tennessee





Dear Education Advocates,

As the proud daughter of Mexican immigrants and now the Interim Executive Director of EdTrust-Tennessee, I am honored to introduce our latest report, Rising Together: Removing Institutional Barriers for Undocumented Students to Thrive in Tennessee. This report is released at a pivotal moment when fear and racism directed at immigrant communities threaten to erode the foundational ideals of equity and opportunity that define education as a public good.

Each year, thousands of undocumented students graduate from Tennessee high schools, carrying aspirations as bright as their peers but burdened by policies that hinder their access to higher education. Tennessee's undocumented students contribute immensely to our communities and economy, yet they are excluded from in-state tuition, state aid, and other essential supports. In this report, we explore nine critical policy areas, share insights from research and interviews with undocumented college students, and offer actionable recommendations for institutions and advocates. Despite an array of barriers, undocumented students can still persevere towards the promises of a postsecondary education. Our goal is to equip higher education leaders with the tools to create inclusive, informed, and supportive environments where all students can thrive, regardless of their citizenship status.

This work is deeply personal to me, and many others at EdTrust-Tennessee and our TN Alliance for Equity in Education. My family's immigration story is one that reflects the transformative power of education. While the dreams of so many students are the same, the barriers facing undocumented students today are stark reminders that this promise remains unfulfilled for too many. This report calls for bold, immediate action to dismantle these barriers and ensure that our education systems honor the dignity, potential, and humanity of all learners.

As you review this report, I urge you to join us in Rising Together to support undocumented students and advocate for the policy and institutional changes to fulfill the dreams of all of Tennessee's students and strengthen our communities, our workforce, and our state.

In solidarity,

Alexza Barajas Clark

Introduction

With an estimated 2,000 undocumented students¹ graduating from a Tennessee high school each year, higher education institutions must strengthen their campuses to work for all students — regardless of their citizenship status.

Pursuing higher education is a complicated process for any student. But for undocumented students, who juggle complex issues with their own immigration status on top of ambiguous, fluid, and restrictive state and federal policies, the path to postsecondary education is even more challenging. In Tennessee, undocumented students cannot access in-state tuition, state financial aid, or any other 'state or local public benefit,' regardless of their status or how long they have lived in the state. Compounded by a lack of access to federal financial aid, citizenship restrictions in Tennessee state policies culminate in a daunting hurdle for undocumented students to pursue higher education. For example, undocumented students attending Tennessee community colleges pay four times more in tuition than their peers.

Aspirations for postsecondary education do not vary by citizenship status², but citizenship status today accounts for up to 75 percent of the Latino-White postsecondary enrollment gap.³ Crucial Tennessee-based organizations like Equal Chance for Education and other private scholarships help cover costs for undocumented students, and immigrant-serving organizations provide critical community support.

Still — too many institutions rely on state and federal supports that exclude those without citizenship, and have not adapted their practices to support a growing population of undocumented students to and through their institutions. While state and federal policies must change to ensure truly equal access for undocumented Tennesseans, institutions have significant control over their own policies and procedures, and must establish well-informed campuses that are safe and supportive of all students, no matter their citizenship status.

In our report *Rising Together: Removing Institutional Barriers for Undocumented Students to Thrive in Tennessee*, EdTrust-Tennessee (ET-TN) overviews a scan of nine key policy areas that are prerequisites for Tennessee educators and institutions to understand in order to establish supportive environments for undocumented students. We then, in collaboration with two student researchers, review the current literature about undocumented students in higher education, and pair this research with original interviews featuring current undocumented college students — informing a framework for how undocumented students experience higher education in Tennessee. Lastly, ET-TN provides a tool that advocates and institutions can leverage, alongside core policy and practice recommendations, to:

- Promote inclusive campus policies, practices, and support systems for undocumented students
- Ensure clear communication and understanding of policies affecting undocumented students
- Strengthen ties with community organizations that support undocumented students



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By: **Sonny Metoki,** Higher Education Policy Analyst, The Education Trust — Tennessee

Navigating the Intersection of Education and Immigration: A Policy Overview

Tennessee's higher education institutions are not set up to seamlessly enroll, support, and graduate undocumented students* into a career. Institutions build their support systems off complex state and federal policies, unintentionally replicating policies that explicitly exclude undocumented students. These barriers are often exacerbated by well-meaning but misinformed advisors at both the K–12 and postsecondary level.

Access to the Free Application for Federal Student Aid (FAFSA) represents the multitude of challenges that undocumented students encounter. The federal government uses the FAFSA to assess a student's financial profile and determines eligibility for several state and federal aid programs, including the Pell Grant. While colleges may not intend to exclude undocumented students from institutional aid, they often rely on eligibility for programs like Pell to determine who can access other institution-based forms of aid or programs. Without suitable alternatives, this causes institutions to unintentionally bar undocumented students from crucial resources that they otherwise may be eligible for. Many institutions are equipped to work with domestic and international students, but far too few have developed information and support systems that seamlessly integrate a growing population of undocumented students in Tennessee.

Supporting undocumented students to and through higher education means first understanding the policy intersections between immigration and education that they currently navigate. To begin, advocates must understand the overarching state and federal laws that are the foundation for specific policies impacting undocumented students in higher education.

^{*}For the purposes of this report, the term "undocumented students" refers to a wide range of immigration statuses including recipients of Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and others. For a full table of immigration statuses and what they mean, see the following link.

Policies Impacting Undocumented Students in Higher Education

Deferred Action for Childhood Arrivals Program

Policy Level: Federal

Description: The <u>Deferred Action for Childhood Arrivals</u>

(DACA).⁴ established in 2012, protects eligible undocumented individuals from deportation and grants them work authorization through a two-year renewable program.

Many states provide certain additional benefits, like in-state tuition, to DACA recipients, but not to undocumented residents. Tennessee, in which an estimated 10,000 DACA-eligible individuals reside, provides some differentiation between DACA and non-DACA-eligible undocumented residents in terms of what services/benefits they are eligible for, but generally restricts a large majority of benefits from all.

Since 2017, the constitutionality of DACA has been repeatedly challenged in the courts. A July 2021 ruling by Texas District Court Judge Andrew S. Hanen declared the program "unlawful," barring DACA from approving new applications but leaving the program intact for current recipients. While current DACA recipients can maintain and renew their status, **no further undocumented high school students are currently eligible under current DACA rules.** The upcoming cohort of 2025 high school graduates and beyond, as a result, face an even more complex variety of policy barriers to accessing higher education.

Plyler v. Doe (1982)

Level: Federal

Description: Plyler v. Doe, issued by the U.S/ Supreme Court in 1982, was a landmark decision establishing that all students, regardless of immigration status, must have access to a free, public K-12 education. Citing the Equal Protection Clause of the U.S. Constitution, Plyler⁵ has ensured access to K–12 education for over 40 years, but does not apply to access to higher education: in three states, undocumented students are currently barred from enrolling at public institutions. Some states, including Tennessee, have attempted to challenge Plyler. In 2022, Tennessee lawmakers introduced a bill that would withhold state funding from a school district for each undocumented student they enroll. Furthermore, in the 2023 legislative session, a version of the proposed voucher bill would have made undocumented students and children of undocumented immigrants ineligible for this proposed program.

While policy and practice reforms to ensure equal access to postsecondary access is the focus of this report, protecting access to K–12 education established under Plyler v. Doe must remain paramount for education advocates.

Tennessee Code Annotated 49-8-104

Policy Level: State

Description: Tennessee Code Annotated 49-8-104⁶ establishes that for a public institution to classify a student as a Tennessee resident for the purposes of receiving in-state tuition, a student must be a United States citizen, have resided in Tennessee for at minimum one year prior to admission, **in addition to** one of the following criteria:

- Graduated from a Tennessee public secondary school;
- Graduated from a private secondary school located in Tennessee, or
- Earned a Tennessee high school equivalency credential approved by the Tennessee State Board of Education

Because TCA 49-8-104 requires proof of U.S. citizenship to establish residency for the purposes of accessing in-state tuition, undocumented students — regardless of their status, and regardless of how long they have lived in Tennessee — are ineligible for in-state tuition. Plyler v. Doe (1982) establishes the right for every student to access a free K–12 public education, regardless of citizenship status. But while undocumented students are still able to enroll in postsecondary education in Tennessee, they must pay an average tuition **over twice that of their peers at a public university.**

Eligibility Verification for Entitlements Act

Policy Level: State

Description: Facing staggering out-of-state tuition rates, undocumented Tennesseans are additionally barred from crucial supports that support many students through their postsecondary education journeys. <u>Tennessee Code Annotated 4-58-102</u>, otherwise known as the **Eligibility Verification for Entitlements Act (EVEA)**, ⁷ articulates that in order to reserve a "feeders! state or local public benefit" a posses must

receive a "federal, state, or local public benefit," a person must establish that they are a U.S. citizen or that they are a "qualified alien"* in the United States. EVEA dictates access to a wide range of benefits including state financial aid, the state's dual enrollment grant, and statewide food and healthcare programs.

"Qualified Alien" refers to a range of criteria for different immigration statuses in Tennessee. Particularly for public benefits that fall under the Eligibility Verification for Entitlements Act, legal counsels should be consulted to ensure that individuals who fall under this definition are not excluded from state public benefits. For a full definition of how "Qualified Alien" is defined, please follow this link.

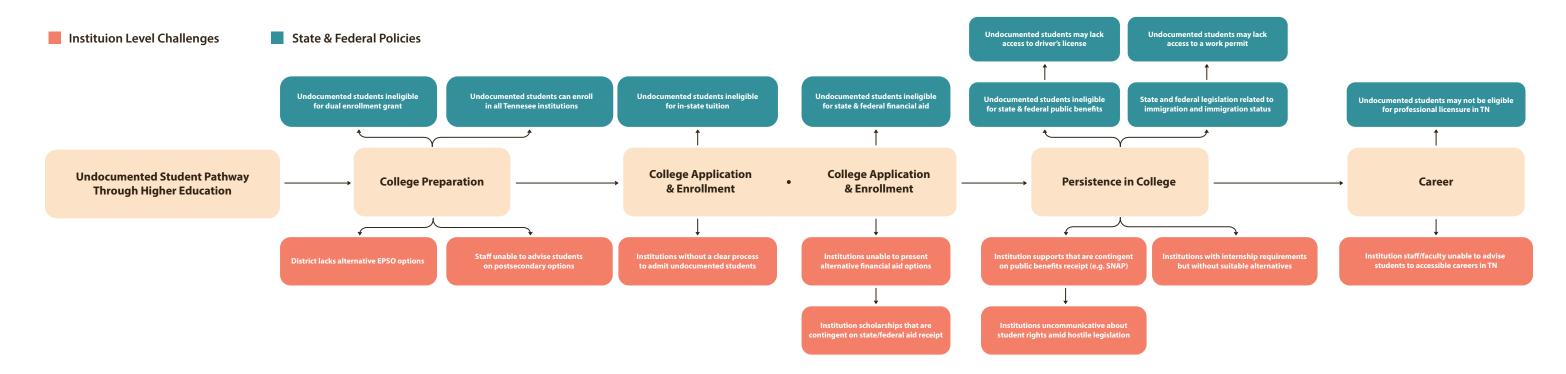
EdTrust-Tennessee does not utilize this language in reference to undocumented individuals, and affirms the need for inclusive, humanizing language despite legal definitions under U.S. and Tennessee law.

Despite these state and federal policies, undocumented Tennesseans persist through our K–12 and higher education systems. Building on a previous EdTrust report,8 EdTrust-Tennessee provides an overview of 9 key policies with the largest implications on undocumented students' success in Tennessee, and provides alternatives and key considerations for advocates to redesign our systems to support all students, no matter their citizenship status. Given the complex spectrum of immigration statuses and the fluidity of different laws and policies, this report does not aim to determine program eligibility for each student's unique circumstance. Rather, the goal of this report is to highlight where citizenship status serves as a barrier to any undocumented student. Paired with original interviews conducted with current undocumented Tennessee college students, EdTrust-Tennessee aims to equip campuses with tools that support all undocumented students and that withstand shifts in immigration law.



All advocates — including institution leaders, faculty, school district staff, workforce organizations, and nonprofits — have a role to play to ensure the pathway to postsecondary education is possible for undocumented students. For those working with institutions, advocates can leverage knowledge of key policies to change institutional practices that work for all. For those who work directly with undocumented students, advocates can equip prospective students with accurate information to make decisions for their own education. With a strong understanding of specific policies that impact undocumented student success, advocates can promote policies and practices that work for everyone, while presenting undocumented students with accurate information to support their autonomy to make appropriate, individualized decisions. Below are 9 key questions that education advocates should know to help institutions, advocates, and undocumented students navigate the system together.

- 1. Can all undocumented students enroll in public two and four-year institutions?
- 2. Do all undocumented students have access to in-state tuition?
- 3. Do all undocumented students have access to state financial aid?
- 4. Do all undocumented students have access to early postsecondary opportunities (EPSOs)?
- 5. Do all undocumented students have access to basic needs supports, like state-level healthcare, housing, or food programs?
- 6. Do all undocumented students have access to a driver's license?
- 7. Are all undocumented students eligible for a work permit?
- 8. Can all undocumented students access professional or commercial licenses?
- 9. Does the state have sanctuary policies that limit collaboration with immigration officials?



9 State and Federal Policies Impacting Undocumented Student Success in Tennessee

1. Can all undocumented students enroll in public two and four-year institutions?

YES. All undocumented students are eligible to enroll in all public two and four-year institutions in Tennessee.

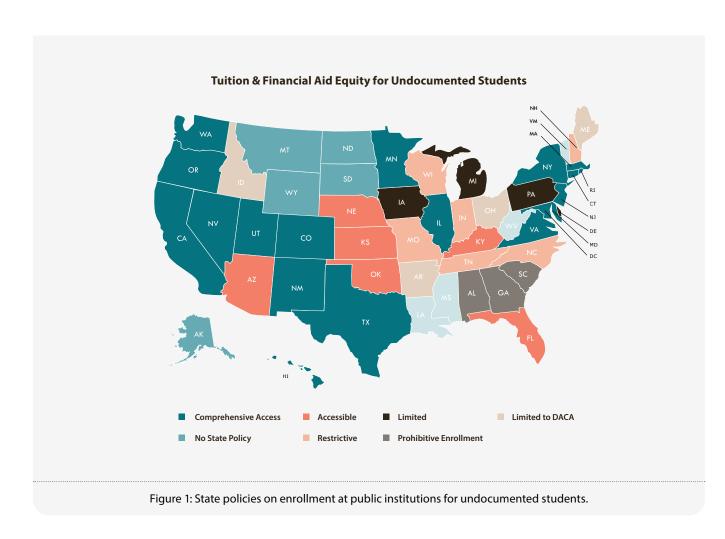
Only Georgia, South Carolina, and Alabama currently restrict students from enrolling in public institutions on the basis of citizenship status. Undocumented students are able to enroll in all public and private institutions across Tennessee, including Tennessee Colleges of Applied Technology (TCATs), community colleges, and four-year universities.

Resource: U.S. State Policies on DACA & Undocumented Students

2. Do all undocumented students have access to in-state resident tuition?

NO. Under TCA 49-8-104 and the Eligibility Verification for Entitlements Act, undocumented students do not currently have access to in-state tuition.

Out-of-state tuition in Tennessee's community college system is the highest rate in the country and nearly four times that of the in-state rate at over \$17,000 per year. For public four-year institutions, the average out-of-state rate is over twice as much as the in-state rate, at nearly \$24,000 per year.⁹ These incredibly high



tuition costs coupled with a lack of access to state and federal financial aid push many undocumented students to enroll in private institutions of higher education. To afford the average cost of tuition alone — not counting a range of non-tuition costs — undocumented students must work an average of 47 hours a week at the Tennessee minimum wage to attend a community college, or 63 hours a week at a four-year institution. Efforts to permit Tennessee's undocumented high school graduates access to in-state tuition have been made in the past, but failed by one vote in 2015.¹⁰¹¹

Read: In-state tuition for undocumented students fails in the House | The Tennessean

"I received the ECE scholarship. Otherwise everything is out of pocket. I recently moved out so I pay rent but since my freshman year I've had to pay for gas, insurance, books, or anything else related to my classes. I've had to buy insurance to enroll in school. Since freshman year I was working but now I'm student teaching. Throughout my experience I've always had at least two jobs with 4 classes. Everything is so expensive and also I'm trying to save because I want to get my master's. I was working over 40 hours a week while being in school. There would be times where I wouldn't have a day off at all while being a full-time student."

— Current student, Private Institution in Middle Tennessee

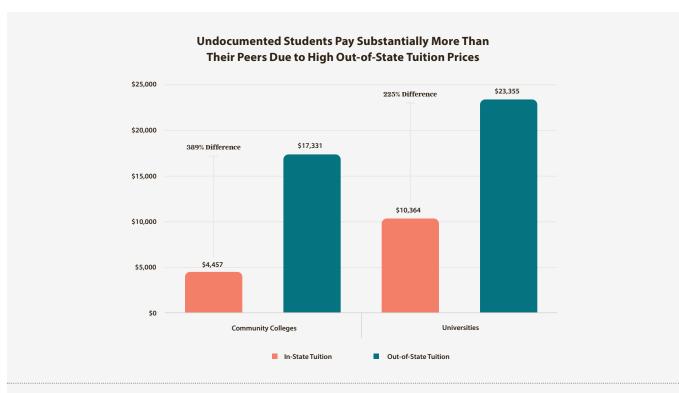


Figure 2: Average 2023 in-state versus out-of-state tuition charges at public institutions in Tennessee.

3. Do all undocumented students have access to state financial aid?

NO. Under the Eligibility Verification for Entitlements Act, undocumented students are not eligible for grants that fall under the state's financial aid system.

Undocumented students do not have access to the over **\$500M** annually that Tennessee spends on financial aid, including <u>Tennessee Promise</u>, <u>Tennessee HOPE</u>, the <u>Tennessee Student Assistance Award</u>, the <u>Dual Enrollment Grant</u>, and other state financial assistance programs. While the net cost of higher education has stayed relatively stable in Tennessee, undocumented students are generally responsible for the full cost of attendance — inclusive of tuition, fees, books, and other cost of living expenses — because they are not eligible for state and federal financial aid to offset the wide range of college-related expenses. Averaging over \$36,000 annually across Tennessee's



public universities,¹³ a recent report from the <u>Tennessee College Access and Success Network</u> finds that Cost of Attendance metrics significantly undercount the true costs a student is responsible for while pursuing postsecondary education — suggesting that expenditures an undocumented student incurs are likely even higher than current estimates.¹⁴ Undocumented students are, as a result, highly reliant on scholarships from private institutions, private scholarships, loans from private lenders, their families, and income earned while working to afford both high costs of tuition and rising cost of living expenses. Institutions who tie scholarship eligibility to receipt of the Pell Grant or other state and federal grants also exclude otherwise eligible undocumented students.



Take Action: Institutions must ensure that citizenship status is not a criteria for any form of institutional aid whenever possible, either as an explicit requirement or due to a reliance on state and federal aid that undocumented students are not eligible for. Institutional programs that rely upon Tennessee HOPE as an indicator of 'merit,' for example, should have accessible alternatives like a Tennessee high school diploma paired with a specific GPA threshold. Since most undocumented students cannot complete the FAFSA, institutions must also ensure that there are reasonable alternatives for assessing a student's financial need. From a personnel perspective, institutions and school districts must be able to point students towards private scholarships that do not require citizenship status that can supplement, not replace, institutional aid. Lastly, when institutions consider increases to tuition, they must consider that those rises disproportionately increase financial burden for undocumented students who do not benefit from increases to public financial aid programs that offset costs.

Resource: <u>Undocumented Student Resource Hub | EdTrust Tennessee</u>
Read: Counting the Cost | Tennessee College Access and Success Network

Example: CSS Profile | Collegeboard

Example: Nashville Vanderbilt Scholars Program

Example: Fellowships & Scholarships: Creating Inclusive Eligibility Requirements for Undocumented Students

6 EdTrust-Tennessee 7

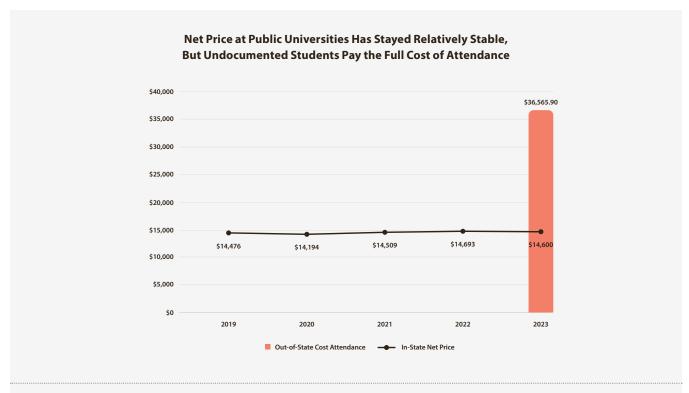


Figure 3: Trends in net price for in-state residents at public universities in TN, versus out-of-state cost of attendance in 2023.

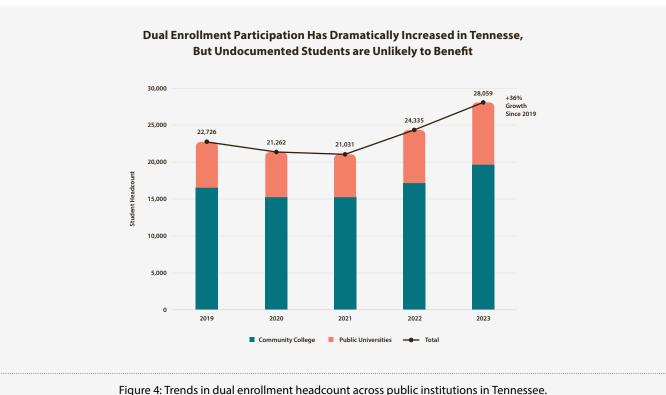
"One of the things that was most discouraging is when I was applying to the colleges and I would indicate that I have a social security number — it's not until the point that you get into the college where they say that you don't qualify actually for those scholarships. I wish there was more transparency in the first few steps because I got into so many schools, in state and out of state, and then I was contacted by one specific person who said "actually you aren't eligible for this" even though I had a social. Schools that want to belp undocumented students have to have that information up front. Some scholarships have a "do I qualify" page but sometimes you do the scholarship until you get to the end and realize you don't actually qualify."

— Current student, Private Institution in Middle Tennessee

4. Do all undocumented students have access to early postsecondary opportunities (EPSOs)?

IT DEPENDS. Undocumented students are eligible for certain early postsecondary opportunities EPSOs, but not all of them. For example, the dual enrollment grant, which pays for high schoolers to take college courses, is inaccessible to undocumented students as it is considered a state public benefit under the EVEA.

Dual enrollment, a rapidly growing early postsecondary opportunity (EPSO) course type in Tennessee,¹⁵ remains inaccessible for undocumented students because they are ineligible for the state's dual enrollment grant under the EVEA. Access to EPSOs builds momentum for students towards postsecondary education and can reduce the overall cost a student must pay once they enter college by giving them access to college-accepted credits.¹⁶ Particularly for undocumented students who generally are responsible for significantly higher tuition costs once they enter higher education, obtaining college credit in high school can drastically reduce the total amount a student will pay. For example, taking one early postsecondary opportunity that yields 3 college credits could save an undocumented student \$3,828 if they ended up attending Middle Tennessee State University.¹⁷ Tennessee currently offers eight different types of EPSOs, including dual enrollment, Advanced Placement, the College Level Exam Program (CLEP), amongst others — many of whom do not require citizenship to participate and receive college credit. 18 Furthermore, some school districts across Tennessee offer industry certification pathways that lead to quicker entrances for students into the workforce. While industry certification programs are accessible to undocumented students, some pathways lead to jobs that require a professional license — which remain inaccessible to many undocumented Tennesseans.







Take Action: Districts that serve larger concentrations of undocumented students must offer suitable alternatives to dual enrollment — like Advanced Placement and the College Level Examination Program (CLEP) — that do not require U.S. citizenship to obtain college credit. School district staff must be trained to advise students toward suitable alternatives to dual enrollment proactively, and must be aware of industry certification pathways that require professional licensure in order to properly advise undocumented students about these programs and their realistic career outcomes.

Resource: Early Postsecondary Opportunities in Tennessee

Read: Many undocumented students cannot take high school dual-enrollment courses for college credit

Example: National Ed Equity Lab Partnership with MNPS

"I went to [high school in Davidson County]. Typically you can do the dual enrollment program and I tried doing that when I was in high school. That's when I had first encountered the challenge because I didn't qualify for that program due to my status. If I wanted to take college classes during high school, I had to pay out of pocket."

— Current student, Private Institution in Middle Tennessee

5. Do all undocumented students have access to basic needs supports, like state healthcare, housing, or food programs?

NO. Under the EVEA, undocumented students do not have access to state-level healthcare, housing, or food programs.

Meeting a student's basic needs is crucial to ensuring they are able to succeed in higher education. The COVID-19 pandemic illuminated challenges college students encounter meeting their basic needs, leading to a temporary expansion of SNAP eligibility for additional college students.¹⁹ But while that expansion has now ended, undocumented students were never eligible for SNAP or other state and federal benefits to begin with. In a 2020 study of approximately 1,300 undocumented undergraduates at the UC and CSU system, 59 percent of respondents indicated that they'd experienced food insecurity.²⁰ These numbers far exceed Tennessee college administrators' estimations for the number of Tennessee students that experience food insecurity.²¹ Compounded with a lack of access to state and federal financial aid, undocumented students not only struggle to afford tuition, but are also highly likely to face challenges meeting their basic needs.



Take Action: Institutions implementing basic needs support for students must ensure that citizenship is not a de facto requirement. Efforts to expand Supplemental Nutrition Assistance Program (SNAP) uptake amongst students, for example, do not address food insecurity for undocumented students because of the citizenship requirement to receive SNAP. As a result, institutions must ensure that basic needs supports, such as campus food pantries, are not reliant upon citizenship status, the Pell Grant, or other state/federal aid to be eligible.

Example: Basic Needs for Undocumented Students | UC Berkeley

Read: Enhancing Institutional Undocu-Competence through Establishing Undocumented Student Resource Centers

Resource: Mental Health and Undocumented Students

"There were times where my friends living on campus would let me use their cards to swipe to get in to eat. There was a church that was affiliated with the university and they'd give food every Tuesday to students. Most of us would go, punctual, that was the only way we could eat. Most of us were concerned about not only passing the classes but also being able to help our parents at home or pay for rent, pay for bills, pay for cars and transportation."

— Graduate, Private Institution in Middle Tennessee

6. Are all undocumented students eligible for driver's licenses?

IT DEPENDS. Some, but not all, undocumented students are eligible for a driver's license in Tennessee. DACA and TPS holders, and people with other types of immigration statuses in Tennessee, for example, are eligible for a driver's license while other undocumented individuals are not.²²

Reliable transportation is crucial for students to not only get to campus, but also to live daily life and get to work. Many undocumented students may choose to live with their families to reduce the overall costs of enrollment,

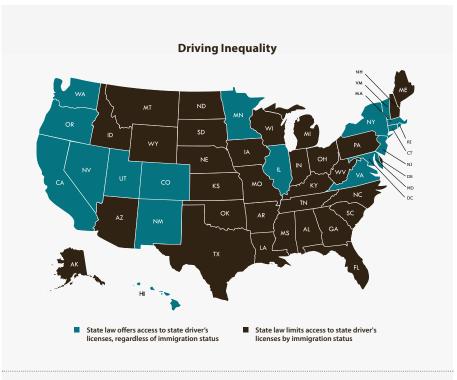


Figure 5: US map of policies with respect to states that allow access to driver's licenses, regardless of immigration status.

meaning that they have to commute to campus nearly every day. Without access to a driver's license, undocumented students must find alternatives to arriving on campus. Currently, 18 states and Washington D.C. permit undocumented individuals to receive a driver's license in their state.

Resource: Tennessee Driver's License Requirements **Resource:** State Laws on Driver's Licenses for Immigrants

Resource: Three Facts to Know About Driver's Licenses for Immigrants and Voting

"It's very difficult when you can't get a driver's license. You have to depend on people ... One of the biggest challenges — when my brother has to leave, I have to figure out if I can actually get to campus. Do I have enough money for an Uber, and then I have to send an email to my professor—you can get failed or there's certain issues if you don't attend class. It's just like ... having to go around with those situations with professors that aren't very understanding."

— Current student, Private Institution in Middle Tennessee

7. Are all undocumented students eligible for a work permit?

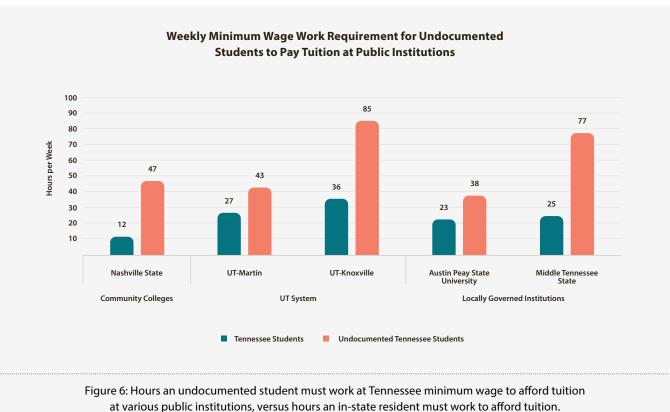
IT DEPENDS. Some, but not all, undocumented students are eligible for a work permit, under federal law. DACA and Temporary Protected Status (TPS) holders, as well as people with other types of immigration statuses, for example, are eligible for a work permit while other undocumented students are not.²³

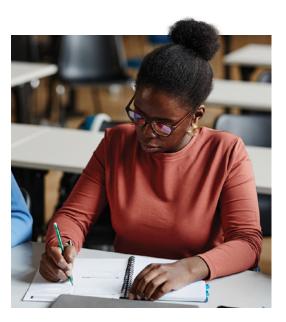
Working while enrolled helps to financially support a student and exposes students to valuable hands-on experiences. In some academic programs, work opportunities like internships are required as a condition to graduate. However, the process to obtain a work permit, which provides recipients the ability to legally work in the United States, can be extremely long and complex — and while undocumented students may eventually gain access to a work permit, some may not have one while they are currently enrolled. Granted federally, DACA and TPS holders are eligible for a work permit, while other undocumented students may not be.



Take Action: Institutions and/or academic programs for which an internship is required as a condition for graduation must offer accessible alternatives — like a thesis — for undocumented students who currently cannot access a work permit. Institutions should also consider developing alternative opportunities — like fellowships, in which students participate in nonemployment-based opportunities that may still provide financial assistance while supporting a student's learning while enrolled.

Resource: Fellowships and Other Non-Employment Based Opportunities for Undocumented Students





"A big frustration is the career center ... We have stuff that goes out and companies that come in and they have internships but none of the jobs are applicable to us. We're in school but we have no extra help outside of that because the stuff they offer is for citizens. That is quite frustrating — specifically the internships — because that's mandatory and you have few options."

— Current student, Private Institution in Middle Tennessee

8. Can all undocumented students access professional and commercial licenses?

NO. Under the EVEA, undocumented students are ineligible for a professional and commercial licenses in Tennessee. This is a reversal of Tennessee's Workforce Expansion bill, passed in 2022, which originally excluded professional and commercial licenses under the EVEA.

Tennessee's Workforce Expansion Bill, passed as Public Chapter 0911 in 2022,²⁴ permitted immigrants with a federally authorized work permit, including DACA recipients and TPS holders, to access professional and occupational licenses so long as they meet other requirements for the licenses. Specifically, Public Chapter 0911 added subdivision (a)(2) to TCA-4-58-103, which stated that a "public benefit does not include a professional or commercial license" under the EVEA. However, Public Chapter 921, passed in 2024, entirely deleted subsection TCA 4-58-103(a), and replaced it with language that does not include the specification that a professional or commercial license is not considered a public benefit.²⁵

Over the past 60 years, the number of jobs requiring a professional/commercial license have increased from approximately 1 in 20 to nearly 1 in 4.²⁶ Having a license is also often a prerequisite to practice certain professions or trades, including teaching, nursing, and law. Many undocumented students may defy the odds and complete a degree, only to find out that they cannot practice in their studied profession in Tennessee due to their citizenship status. Despite workforce shortages across the state, Tennessee's laws restricting professional and commercial licensure artificially cuts off a pipeline of well-educated graduates.



Take Action: Advocates must be aware of continued shifts in the immigration policy landscape, particularly given the recent shifts that removed access to professional and commercial licensure for undocumented Tennesseans. Facing limited options to pursue a career, undocumented students — and the staff who advise them — must carefully choose their majors as many professions like nursing or teaching may be inaccessible for students in Tennessee. Additionally, university staff that advise undocumented students must also be aware of other states that may permit undocumented students to obtain a professional or commercial license in their respective field. Similarly, school districts who offer CTE pathways or industry credentials must ensure that school

staff are knowledgeable about which fields require professional licensure before advising students into these types of programs.

Read: Bipartisan bill allows some immigrants to obtain professional or commercial licenses in Tennessee

Resource: U.S. State Policies on DACA & Undocumented Students — Professional and Occupational Licenses

Resource: State Professional/Occupational Licensure Requirements for Immigrants

Resource: Career Counseling Support for Undocumented Students

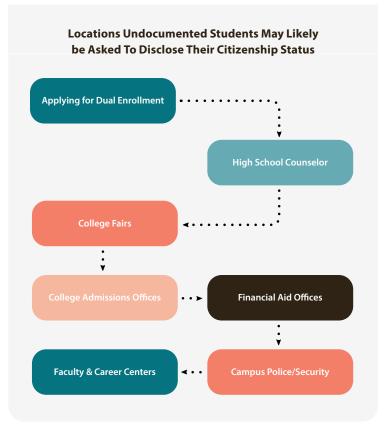
Resource: Empowering Undocumented Students A Guide for Career Services

9. Does the state have sanctuary policies that limit collaboration between local entities and federal immigration authorities?

NO. In Tennessee, state and local governments are explicitly prohibited from enacting such sanctuary policies under Public Chapter 973, passed in 2018.²⁷

Sanctuary policies vary widely in definition but generally are policies or laws that restrict local collaboration with federal immigration officials.

Furthermore, Public Chapter 716, enacted in 2024, "requires, rather than authorizes, law enforcement agencies to communicate with the appropriate federal official regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States or otherwise cooperate with the appropriate federal official in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States."28 Undocumented students face multiple barriers to higher education access and success, but they also live with the constant stress that they or a loved one might be deported.





Take Action: Particularly given the implementation of PC 716, effective on July 1st, 2024, institution and district leadership must understand and communicate legal implications for undocumented students, particularly as it pertains to interactions with campus police and/or public safety. Given the constant stressors of deportation for undocumented students, campuses must also ensure that requests for a student's citizenship status are only asked for when absolutely necessary and that student data remains protected in compliance with the <u>Family Educational Rights and Privacy Act</u> (<u>FERPA</u>). Campuses should also consider offering legal consultations for undocumented students, or be prepared to refer students to trusted partners, as federal laws and regulations related to immigration may change over time. As many undocumented students do not wish to reveal their citizenship status

to individuals they do not know, centralized, online resources are oftentimes the best way to disseminate information to those in the undocumented community.

Read: Tennessee legislature just passed a bill targeting immigration: Here's what it means

Resource: Know Your Rights | Tennessee Immigrant & Refugee Rights Coalition

Resource: FERPA Overview | Higher Ed Immigration Portal

"There's so much support we need. It's in many levels — the basic one is community support. I noticed that the students, my classmates were mixed status. DACA, undocumented, in the process of getting asylum or permanent residency... Having that community and support — there's unique challenges we have to go through that we have to explain to other non-immigrant students. What really helped me is having an advisor/mentor who could understand us better. If it wasn't for someone in the position to see me, I feel like we would've felt more like outcasts."

— Graduate, Private Institution in Middle Tennessee

"There's just not enough information. I finished my last year of high school online at [high school]. The only thing I had was my counselor. He helped me a little but to be honest I wasn't confident enough to tell him about my situation. He helped me after I applied to Trevecca and Lipscomb by his recommendation but I did all the research on my own to see what options I had."

— Current student, Private Institution in Middle Tennessee



Insights from Research and Students: Literature Review and Interviews

By nature, data surrounding undocumented students is severely limited, making the need for surfacing qualitative data that much more essential. Still, some data and literature are available that underscore the urgency to strengthen education institutions to adopt systems that work for undocumented students, too.

Aspirations for postsecondary education do not vary by citizenship status. However, Dyer and Roman-Torres (2022) find that citizenship status currently accounts for up to 75 percent of the White-Latino postsecondary enrollment gap. While undocumented students hold a wide host of racial and ethnic identities, Tennessee's Latino collegegoing rate is particularly low; in 2023 less than 40 percent of Latino high school graduates enrolled in a postsecondary institution immediately after high school.²⁹

Undocumented Tennesseans provide an outsized tax contribution relative to what they receive. Paying an estimated \$317M in 2022, largely in sales and excise taxes, undocumented Tennesseans pay taxes to the state but do not receive many of the benefits the state provides.³⁰ The same can be said about undocumented college students — in institutions that provide services that do not work for them, undocumented students pay the same amount for services and benefits that they simply do not receive.

Given the estimated 2,000 undocumented Tennesseans graduating from high school each year, EdTrust-Tennessee,

Undocumented Students By The Numbers:

2.000

undocumented Tennesseans graduating from high school each year³¹

427.000

undocumented college students, nationwide³²

10.300

DACA eligible residents living in Tennessee³³

0%

of the upcoming high school graduating class currently eligible for DACA³⁴

317M

in estimated Tennessee tax contributions, in 2022³⁵

in collaboration with two student researchers, conducted interviews with ten undocumented college students to understand their paths pursuing and completing their postsecondary education. Participants were recruited largely through direct partner organization outreach across the state and were compensated for their time. All interviewees either attended or graduated from a Tennessee private institution of higher education within the last three years and were recipients of the Equal Chance for Education scholarship.

Throughout these interviews, we pair our findings with previous literature to illuminate the paths and barriers that undocumented college students often experience. Using these findings, we present a conceptual framework that outlines principles for an equitable campus that supports all students, regardless of status.

Brightspot: Equal Chance For Education

Equal Chance for Education (ECE) provides scholarships up to \$25,000 to eligible undocumented students pursuing postsecondary education in Tennessee. Without access to in-state tuition and state/federal financial aid, ECE's financial support opens up pathways for Dreamers who otherwise would have very limited postsecondary options. Along with critical mentorship and coaching support, ECE has supported 272 students through graduation, and currently enrolls another 279 students across Tennessee institutions with a 96 percent retention rate.

"There were very few options for me. It was very intimidating; the only reason I knew the information was because my brother was undocumented and went through the experience before me. A lot of my peers did not get any help or guidance. If anything the guidance counselor was asking us what did we know so we can help you? We have to educate ourselves and that's really hard for students ... it's a lot more scary because we have a higher risk of what we are putting ourselves into."

— Current student, Private Institution in East Tennessee

Institutions Lack Processes to Enroll and Support Undocumented Students, and Information about the College-Going Process is Unclear

Literature from California finds that lack of knowledge and misinformation about undocumented students amongst institution staff and faculty serves as a primary barrier — with students at times having to educate personnel about their own eligibility for certain benefits and programs.³⁶

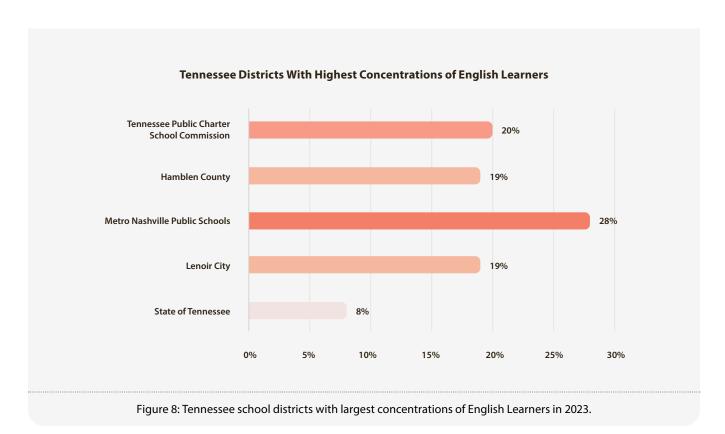
In our interviews, students most frequently cited a **lack of knowledge** amongst staff as a primary barrier to pursuing postsecondary education. While staff are often well-intentioned, student respondents reported receiving misinformation and being passed back and forth between different departments and staff members who could not give them a straight answer given their situations. This created an exhausting process where students repeatedly had to share their immigration status to strangers. This happened consistently across a multitude of interactions across educational institutions — from high school staff who were unable to assist students with the process of applying for college, admissions teams who misclassified respondents as international students, financial aid staff who pointed students towards scholarships they weren't actually eligible for, and career centers that guided students towards careers in which they cannot receive a professional license to practice in Tennessee. Without settled institution processes, many undocumented students lack support to obtain clarity necessary to make informed choices about how and where they should apply to college and what careers they should pursue, exacerbating challenges navigating through a multitude of state and federal policy barriers.

For other students we interviewed, **language barriers** — for students and for their families — were a primary obstacle. Many undocumented students serve the role of translator in their household. As the college process



is often a family decision, students navigate complex postsecondary systems while supporting their own familial understanding of the process. Literature suggests that Spanish-speaking institution staff have helped to engage families of undocumented students as part of the decision-making process.³⁷ While these findings were within a different state context, growing numbers of English Learners in Tennessee's high schools underscore the importance of bilingual staff and translated website materials to

engage multilingual families in the college-going process. Since 2018, the number of English Learners in Tennessee's K–12 schools has increased by nearly 75 percent, representing an increase of over 33,000 additional students.³⁸ While the "English Learners" category is not a proxy for undocumented students, the rapidly growing share of students for whom English is not their native language suggests that institutions should consider implementing translation of materials regardless.



Successful institutions both in the literature and throughout our interviews recognized the hurdles that undocumented students face and addressed them proactively. By embedding processes within their current systems for undocumented students to apply, receive financial assistance, enroll, and complete graduation requirements, undocumented students were able to make informed decisions and progress through their education, despite the frequent hurdles they had to overcome. Often, students referenced one singular, knowledgeable institutional actor who served as a trusted point-person to go to for a variety of status-related challenges. In the event that students encountered unhelpful staff, students often cited local nonprofit organizations dedicated to serving immigrant families who filled in the gaps and served as vital resources for both status and non-status related issues.

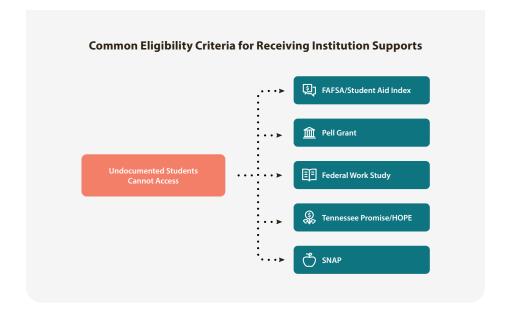
Many Institution Systems and Processes are Reliant on Citizenship, Exacerbating Barriers

Given their ineligibility for in-state tuition and state and federal financial aid, finances remain a top stressor for undocumented students.³⁹ While respondents acknowledged their ineligibility for state and federal programs, many expressed frustration that **institution support systems were reliant upon state/federal programs they were ineligible for,** excluding them by default. Process-wise, undocumented students applied for financial aid or other types of programs, only to be told once they are about to enroll that they are ineligible for the programs they originally thought they were eligible for — leaving students to scramble for alternatives at the last second.

"One of the things that was most discouraging was when I was applying to colleges and I would indicate that I have an SSN and it's not until the point that you get into the college where they say that you don't qualify for this. I wish there was more transparency in the first few steps because I got into so many schools, in state and out of state, and then I was contacted by one specific person who said "actually you aren't eligible for this." Schools that want to help undocumented students have to have that information up front. Some scholarships have a 'do I qualify' page but sometimes you keep doing the scholarship until you get to the end and realize you don't qualify for it."

— Current student, Private Institution in Middle Tennessee

For example, institution scholarships often relied on Pell eligibility or state scholarship receipt (e.g. Tennessee HOPE) as a precursor to receiving other institutional scholarships. Though many students would fulfill all other criteria for those scholarships, a reliance on state and federal programs to determine eligibility excludes undocumented students who likely would benefit the most from those programs.



Career development arose as a top challenge for undocumented students, too. While study abroad requirements, internship requirements, and work study opportunities support students in their progression towards a career, some undocumented students face restrictions on travel and work, meaning that they are unable to fulfill those obligations while they are enrolled in school. Particularly for undocumented students who were in the process of obtaining a work permit but had not yet received one, those students were forced to take unpaid internships or enroll in an additional class to fulfill this requirement — taking away from time students could work for money and exacerbating the financial challenges they experienced.

Respondents who reported the most supportive environments indicated that institutions were prepared with suitable alternatives for undocumented students — including lists of scholarships that did not require citizenship status to receive, and accessible alternatives to internship requirements.

"My biggest brightspot was hearing that there are lots of others just like me. There was a Latino Student Association where everyone would gather and get educated on different cultures but on top of that, if you have issues with health, they connected us to organizations who help undocumented students, or they have organizations who will hire you if you are undocumented. It was such a valuable resource giving undocumented students a community. Even when they wouldn't be undocumented it's about creating that bridge of knowledge. Biggest thing is the community—the people there."

— Current student, Private Institution in East Tennessee



👺 Brightspot: Centro Hispano de East Tennessee

Centro Hispano has served the greater Knoxville community for almost 20 years, providing a bridge, resource, and gathering place for families of all backgrounds as they become an integral part of east Tennessee. Centro Hispano promotes empowerment and civic participation through education, workforce development, youth and family engagement, and community-strengthening initiatives, with a vision to see every Latino and Latina in East Tennessee thriving culturally, educationally and economically.

Centro Hispano works with undocumented students and families through afterschool programs, summer camp, parent education, early literacy and wrap-around support including adult education, health navigation and workforce development. We advocate for undocumented students and families throughout the school district, local government, and on state-level policies. Our postsecondary access program specializes in helping undocumented, marginally documented, and mixed-status families navigate the stressful college access process through culturally-appropriate workshops, bilingual case management, and experiential learning opportunities such as college tours, career panels, and the annual Latino College & Resource Fair.

Undocumented Students Demonstrate Persistence and Rely Heavily on Their Own Community

Given institutional and K–12 district actors who largely were unable to provide reliable information to undocumented students, respondents often found that the most helpful information was primarily shared through networks within their own community. As at times the only knowledgeable agents of their situations, undocumented students relied on peer-to-peer relationships and immigrant-serving organizations to fill in the gaps that others were unable to fill. Occasionally, respondents met other undocumented students by chance, and introduced them to programs like Equal Chance for Education, igniting their postsecondary journeys. Additionally, staff who had themselves navigated postsecondary education as undocumented students, or community organizations dedicated to serving immigrants, played a crucial role as trusted sources of information and solidarity.

Despite facing numerous obstacles, respondents demonstrated remarkable resilience. Some students managed multiple jobs, sometimes working full-time hours, while attending school. Others shared stories of significant sacrifices made by their families to support them financially. Many respondents encountered misinformation and unhelpful systems, yet they persisted, viewing higher education as a vital route to achieving economic independence and giving back to their communities.

"One of the people who helped me the most is this guy from [Latino-serving nonprofit in Middle Tennessee]. He helped explain the enrollment process and gave me encouragement and helped me in under a week. He reviewed and helped me with everything, a letter of recommendation, for him he's the reason I got a scholarship."

— Current student, Private Institution in Middle Tennessee

Student Profiles

Below are combined narratives of undocumented student respondents who have or are currently pursuing postsecondary education in Tennessee. All real names have been redacted and some information has been adjusted to ensure student privacy.

How should I prepare for college?

George is currently a high school junior who immigrated to Tennessee from Guatemala when he was 6, attending a school district in East Tennessee since his family moved to the U.S. As an undocumented student who does not have DACA and is not a "qualified alien," George knows that he is ineligible for in-state tuition and can't fill out the FAFSA. Still, George has always wanted to go to college to help provide for his family, but school staff could only tell him that he wasn't eligible for in-state tuition. Staff also told him that he couldn't take dual enrollment classes, and when his class was scheduled to fill out the FAFSA together, his teacher told him to "take a nap or something." Instead, George pivoted to internet searches to figure out his options for how to prepare for and afford college, and what colleges would even accept him. Eventually George found an organization called Centro Hispano de East Tennessee, which provides crucial services to immigrant families in East Tennessee, and helped overview the options and processes he has available with his family.

How do changes to state and federal immigration policies impact me?

Michelle is a senior at a private university in Middle Tennessee who is a DACA recipient. As an Equal Chance for Education scholar, Michelle knew that there were students in a similar situation to her at this institution — a huge factor in her choosing this school. Furthermore, the institution's website told her to follow an application process for students that are undocumented. She easily followed the institution's process for admissions, and their financial aid staff pointed her to a list of scholarships that did not require citizenship.

While the process to get accepted into the college was smooth, Michelle is worried about recent antiimmigrant legislation that was passed in the state. Her university hasn't put out any information about the law, and while she trusts the people at her institution, Michelle grows weary about continuing to have to share her status to strangers on campus. Thankfully, a staff member at the institution connected her to the Tennessee Immigrant & Refugee Rights Coalition, who were better equipped to educate her about her rights and situation as a DACA recipient.

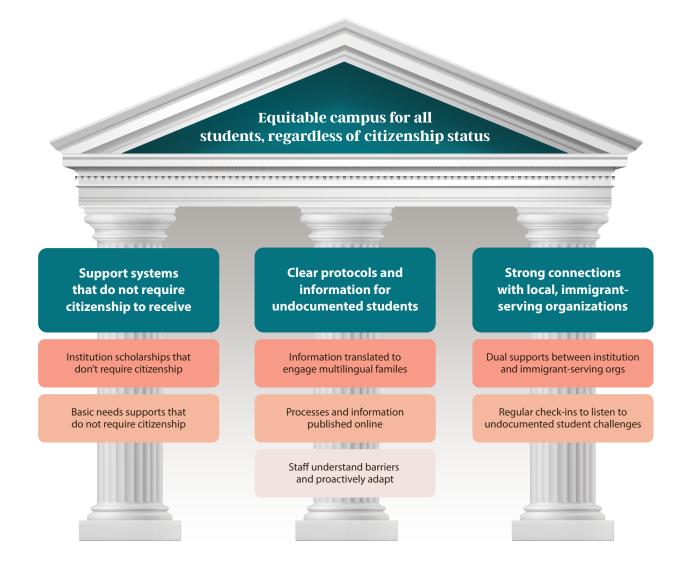
What career options can I actually pursue?

Jenn is a current college sophomore at a public institution in West Tennessee. As a Temporary Protected Status (TPS) holder living in Tennessee since she was 15, Jenn knew that she was ineligible for in-state tuition. However, with the help of a mentor she met at an event at a Nashville-based, Latino-serving nonprofit, Jenn realized that out-of-state tuition at this public institution was actually cheaper than going to a private institution with the private scholarships she received. Entering into the institution as a nursing student, Jenn realized with the help of her mentor that she would likely not be able to obtain a professional license as a nurse in Tennessee. Instead, she has pivoted to a journalism major, where she plans to work as a freelance journalist while also pursuing permanent residency.

Building a Path Forward: A Strategic Framework for Institutional Supports

Some campuses in Tennessee already have taken steps to create inclusive environments for undocumented students to succeed, but institutions must take additional measures to ensure that no student's status defines their postsecondary experience. EdTrust-Tennessee lays out a clear foundation of principles that institution process should follow; campuses — both public and private — should be:

- Embedded with support systems that do not require citizenship to receive;
- Highly informed about barriers undocumented students encounter, with clear information and protocols for how to navigate their institution; and
- Well-connected to local, immigrant-serving organizations who can fill in gaps where institutions may be lacking.





Campuses that follow the above principles in all of their processes proactively ensure that students are equipped with the information that they need to make difficult decisions, and that students only need to share their status with institutional actors when they feel comfortable. Additionally, undocumented students will be able to access all support systems that an institution offers by default — not exception — and know their rights as it pertains to immigration related laws and proposed legislation. Finally, institutions with close ties to immigrant-serving organizations can easily refer students to those partners, who may be better situated to work with students for particularly challenging situations, and provide an essential component of belonging and community to students.

While truly equal access to postsecondary education for undocumented students relies upon fundamental changes to state and federal law, institutions cannot wait for these changes to support the students that they currently enroll. Below, EdTrust-Tennessee provides key recommendations for state policymakers, school districts, and institution leaders to implement to ensure undocumented students can access a high-quality postsecondary degree.

Actionable Steps: Policy and Practice Recommendations to Enhance Support for Undocumented Students

EdTrust-Tennessee recognizes that there are a wide range of state and federal laws that restrict an undocumented individual's ability to obtain a postsecondary degree or credential, including laws related to pathways to citizenship and permanent residency, access to federal public benefits, and collaboration with immigration officials, amongst others. True equitable access to postsecondary education for undocumented students will rely upon cross-sector reforms to a multitude of laws; however, the scope of this report centers primarily around institution and district level recommendations that specifically strengthen the pipeline to postsecondary education for undocumented Tennesseans.

For state policymakers:

- Revise TCA 49-8-104 to allow all students who are graduates of a Tennessee high school to access in-state tuition.
- Revise TCA 4-58-102 to permit undocumented Tennesseans to access in-state tuition, state financial aid, professional licensure, and other state public benefits.

For school district leaders:

- Implement alternative early postsecondary opportunities (EPSOs) that do not require citizenship to receive college credit.
- Identify if industry credentials and CTE pathways currently offered require professional licensure to obtain a job. Ensure staff are trained to advise undocumented students on realistic career options within their area of study if they cannot obtain licensure.
- Equip school staff with training and resources to support undocumented families and students to make informed decisions about their postsecondary journeys.

For institution leaders:

- Establish clear processes and resources for undocumented students to apply, enroll in, finance, and fulfill all graduation requirements. Ensure processes are published online, translated, and centralized.
- Audit all institution-based scholarships and programs for eligibility criteria that rely upon state or federal programs. Establish alternative criteria, like income thresholds or a Tennessee high school diploma, to receive the above benefits.
- Ensure all undocumented facing supports, programs, and information are designed for all undocumented students not just DACA recipients.
- Monitor state and federal legislation that directly impacts undocumented students. Develop protocols to respond to current laws and communicate implications to students.

- Ensure career centers, faculty, and other staff are trained to advise undocumented students about viable career paths in their respective fields.
- Conduct outreach and build partnerships with local, <u>immigrant-serving organizations</u> to strengthen relationships and lines of communication.

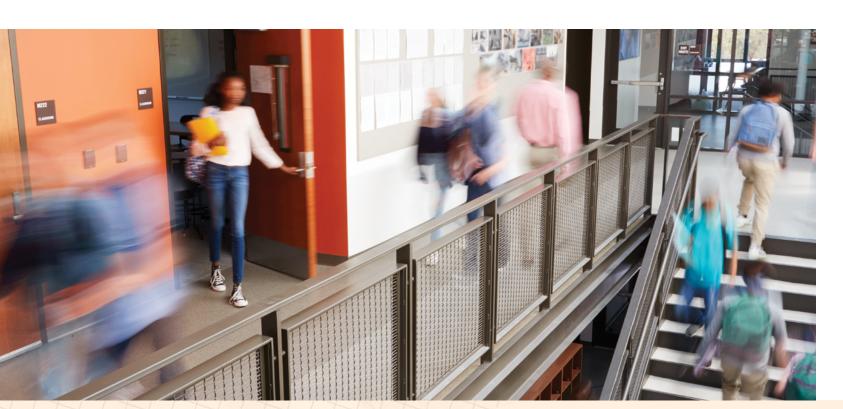
Acknowledgments

This report was developed in close partnership with two current undergraduate Thrive Fellows, Lineth G and Oliver O. Passionate about ensuring equal access to education for undocumented students, Lineth and Oliver researched state and federal policies that impact undocumented students, while also interviewing students and analyzing interviews for qualitative themes.

Lineth is an undergraduate senior studying Law, Justice, and Society. Passionate about improving DACA-requisites to include more children and a stable pathway to citizenship, Lineth's superpower is her empathy. Lineth is set to graduate in the fall of 2024.

Oliver is a senior double majoring in Political Science: International Relations and Urban Leadership and Policy. Passionate about financial aid and in-state tuition for undocumented students, Oliver's superpower is self-advocacy and his passion for social justice. Oliver is set to graduate in May of 2024.

In addition, this report was developed with the close consultation of several advocates across Tennessee who continue to support immigrant and undocumented youth across the state. A special thank you to those leaders for their consultation throughout this release.



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