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NMSU Students, Faculty, and Staff,

I apologize in advance for the length of this letter, but to shorten it risks leaving out pertinent information. There has been good debate over the past few months about how various groups are treated on college campuses in the United States, as well as here at New Mexico State University. One of the areas generating significant passion centers on international students and undocumented students. I am writing this to provide the university community with specific information about how the NMSU Police Department operates on issues that might affect these students.

Cooperation with Federal Agencies

The NMSU Police Department has cooperated extensively with a variety of federal agencies, and will continue to do so in order to protect our students, staff, and faculty. This cooperation includes investigations related to cybercrime, human trafficking, fraud, extortion, stalking, and even terrorism. The NMSU Police Department would not be able to properly investigate these cases without the significant assistance of the federal partners, and they wouldn't be able to help protect our community without the reciprocal assistance from us. We have noted over the years that there is a surprising amount of foreign connection to some of these cases, from the "Nigerian Prince Scam" claiming a desire to share \$25 million if you just provide a bank account number, to the calls made to family members telling them their loved one is being held in jail in a foreign country and needs money wired immediately, to cases of more serious crimes. As such, we regularly work with a variety of federal partners to protect our community and reduce the various threats.

It is important to note two things about this cooperation. The first is that the NMSU Police Department has never sought, and has absolutely no intention of obtaining, authority for its officers to enforce immigration laws under the Section 287(g) program. Our officers have enough work to do enforcing state statutes and providing proactive crime prevention.

The second is that some of the people at greatest risk of human trafficking, fraud, extortion, domestic violence, and related crimes are international students and people who are undocumented. Many of these people have a fear of police, and can be easy victims of criminals. The work we have done with our federal partners (whom we have found are just as interested in the safety of our students) has assisted many students who were victimized, and has helped protect others. For those who have been victims, we have been able to offer enhanced services because of these relationships.

Inquiries about Immigration Status

A big concern some people have is whether local police are asking people about their immigration status. While officers of the NMSU Police Department will not just randomly walk down the street asking people about their immigration status, there are times when our employees may ask related questions. One of these is if our Victim Services personnel identify someone who has been a victim of a serious crime and may be eligible for a “U” visa. In these instances, they are allowed and encouraged to discuss with the victim whether or not this is something the victim might need. For those unfamiliar with the “U” visa, it is a very special type of visa specifically designed to facilitate victims of crimes coming forward and receiving support regardless of their immigration status. You can read more about this at <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>.

Another area where officers may ask about visa status is when they have stopped someone for a traffic violation, and the person presents a foreign (non-US) driver license. The purpose for requesting to see the visa documentation has nothing to do with determining immigrant status, and everything to do with determining whether the driver is within the 30-day limit for needing a New Mexico driver license (either a Real ID license or a Driver Authorization Card). For example, when a student comes to NMSU under a student visa, they are required to get a New Mexico driver license within 30 days if they wish to drive here. If they are within this 30-day window, officers will make sure they know they need to obtain the NM driver license. If they are outside this window, they may receive a citation for not having a valid license.

A third area where we may ask the citizenship of a person who has been arrested is when such information is needed in order to comply with various international treaties. There are 58 nations that have signed onto treaties with the US, and these require that the arresting officer notify the appropriate consulate if a citizen of that nation is arrested in the US. These treaties are in place so those nations can provide any necessary legal support to their citizens.

Student and Visitor Exchange Program (SEVP)

NMSU is a participant in SEVP, which allows us to seek and provide visas for international students to come to our campus in furtherance of their education. This is a great program, but it comes with some very serious responsibilities. One of these is that the university agrees to notify federal officials if someone who has been issued a visa does not actually show up for school. Similarly, the university must notify federal officials if someone on a student visa drops out of school. These requirements exist specifically because of the lessons learned from 9/11. If NMSU were to refuse to make these notifications, it would be out of compliance with the SEVP requirements and could lose the ability to bring in international students.

For students who are receiving visas, there is an agreement that they make where they will meet with agents from Homeland Security Investigations (HSI) in order to confirm they are meeting their obligations under the visas (generally, to attend school and not engage in prohibited conduct). There is nothing secret about this requirement. It is something the students specifically sign when obtaining the visa. It also includes authorization for the HSI personnel to verify academic records (such as course schedules and grades). The NMSU Police Department is sometimes used as a meeting location for students who need to meet with HSI agents for the first time so the students are more comfortable. HSI personnel aren't required to meet here, but they have found some students are more comfortable knowing that they are still on campus in an official building, and we are happy to assist in making the students comfortable.

Because this area is very specialized, the university has delegated responsibility for communication with HSI agents to two areas. The first is International and Border Programs, who operate the SEVP at NMSU and take care of the record keeping. The second is the NMSU Police Department, in part because we know the HSI agents in the area and can confirm they are legitimate. By restricting the communication to these two areas, it alleviates individual faculty and staff members from having to determine if a federal agent can have access to information, or if the person is even a real federal agent. If a faculty or staff member is approached by someone claiming to be a federal agent and seeking access to student records, they should refer the agent to the NMSU Police Department to serve as a facilitator. (NOTE: For federal agents conducting background checks for graduates who are seeking employment, there is no need to contact NMSU Police. These agents will have documentation about the applicant, and will not be seeking access to records.)

Victim Services

One of the most important things a victim of a serious crime needs is support from someone who can assist them with the technical details of recovering. At NMSU, we are fortunate to have an experienced Victim Services Coordinator within the NMSU Police Department who can assist with obtaining restraining orders, obtaining medical services or testing, arranging for counseling, finding alternate housing arrangements, and a number of related services. The Victim Services personnel are available to assist students even if they were victimized off campus, but need help connecting with NMSU and off-campus resources. Victims do not need to file a police report in order to obtain assistance, but if they want to file a report, the victim services personnel will help them do so.

Undocumented Students

The NMSU Police Department does not know whether there are any undocumented students attending NMSU, as that is not a question that is asked, nor are records kept of such. It is more likely that there are DACA (Deferred Action for Childhood Arrivals) students at NMSU, and from the standpoint of the NMSU Police Department, these individuals have been granted authorization to be in the US by the federal government. In fact, many DACA students have legitimately obtained social security numbers and been granted authorization to work in the US. More can be found on this at: https://www.ssa.gov/pubs/deferred_action.pdf

More Questions?

The above touches on only some of the areas where we have been asked questions. Since the initial release of this letter, we have participated in a “teach-in” as well as several public forums to answer questions. Anyone with questions is always welcome to contact us at police@nmsu.edu or (575) 646-3311 for assistance.

For those who have read this far, I hope the above has provided information you find useful. The men and women of the NMSU Police Department will continue to do what we can to assist our students, faculty, and staff, and to address criminal activity that threatens our community.

Sincerely,

Stephen Lopez
Chief of Police
New Mexico State University