



TESTIMONY OF

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BEFORE

Committee on the Judiciary
Subcommittee on Immigration Integrity, Security, and Enforcement

ON

"The Consequences of Criminal Aliens on U.S. Communities"

July 13, 2023
Washington, DC

Chairman McClintock, Ranking Member Jayapal, and distinguished Members of the Committee, my name is Bradley Schoenleben, and I am a Senior Deputy District Attorney with the Orange County District Attorney's Office in Orange County, California.

There is a loophole in the Department of Homeland Security's ESTA – Electronic System for Travel Authorization – Visa Waiver Program (VWP) that has allowed hundreds of thousands of Chilean nationals, including violent criminals, into the United States without the required criminal background checks. In just 2022, 350,000 Chilean nationals entered the United States utilizing the ESTA VWP.

Failure to provide criminal background checks has created a direct pipeline between the United States and Chile for transnational organized crime rings to shuttle convicted criminals into the United States for the sole purpose of committing residential and commercial burglaries, follow-home robberies, and thefts. Americans across the country are being unknowingly surveilled and stalked in their own homes – in the very place they should be the safest.

In Ventura County, California, a staggering 76% of Chilean nationals arrested since 2019 entered the United States through the ESTA program.

[In a June 15, 2023 letter to Orange County, California District Attorney Todd Spitzer](#), Juan Gabriel Valdés, Ambassador of Chile to the United States, admitted his country was failing to provide the necessary criminal history for visa waiver applicants. Criminal history prohibits an applicant from being granted an ESTA Visa Waiver.

Organized crime rings have seized this opportunity to recruit, train, and deploy highly sophisticated teams of burglars across the United States to break into American homes and businesses to steal cash and other items.

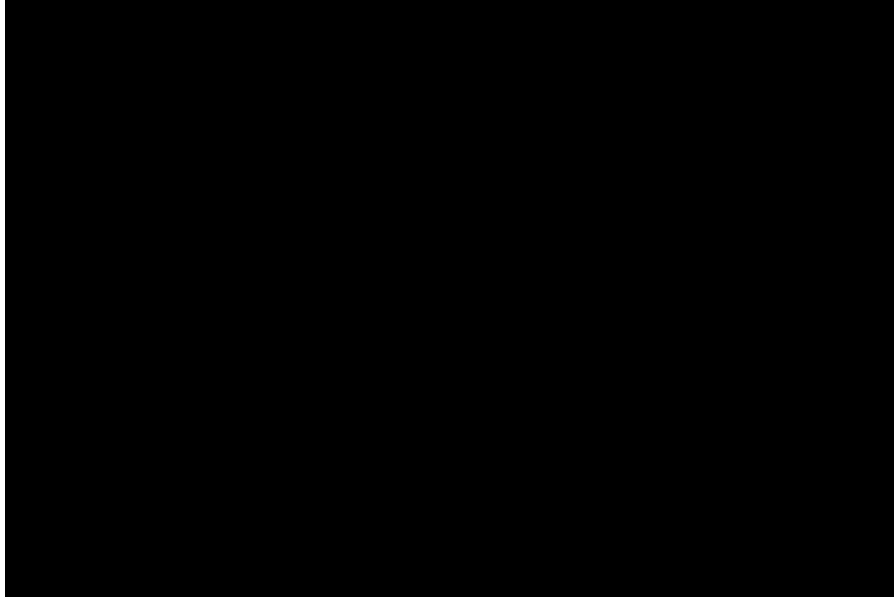
Law enforcement agencies across the nation have raised alarms about Chilean nationals' abuse of ESTA, including Nassau County, New York; Flager County, Florida; Shelby County, Alabama; Williamson County, Tennessee; and Los Angeles, Riverside, San Bernardino and Ventura Counties in California. The FBI is working with 750 different law enforcement agencies across all 50 states to address this issue.

Orange County – population 3.3 million people – is a microcosm of the issues being experienced as a result of transnational organized criminals entering the United States through the ESTA VWP.

A target rich environment combined with California's soft-on-crime policies and federal failures to verify criminal histories for Chilean Visa Waiver applicants have created the perfect storm.

For six months straight, Irvine, California – repeatedly named the safest City in America – flooded its streets with detectives working overtime to combat residential burglaries. Even with those additional resources, residential burglaries were still being committed – and suspects were still getting away.

This is by design; crews deploy multiple surveillance teams, Wi-Fi jammers, cell jammers, electronic trackers, and fake IDs to perfect their art of committing crime and elude capture.



Tesla security camera captures Colombian suspect installing GPS tracker on vehicle belonging to jeweler who was later stabbed in the parking garage of the Tropicana Hotel in Las Vegas, Nevada in May 2023.



GPS tracker retrieved from vehicle belonging to jeweler stabbed in the parking garage of the Tropicana Hotel in Las Vegas, Nevada in May 2023.

Without criminal histories, courts are incapable of determining the true risk posed by these offenders, resulting in release decisions and sentences ignorant of the danger actually posed. The District Attorney of Nassau County, New York, recently complained members of Chilean organized crime laugh at her in courthouse hallways because they know they aren't staying behind bars.

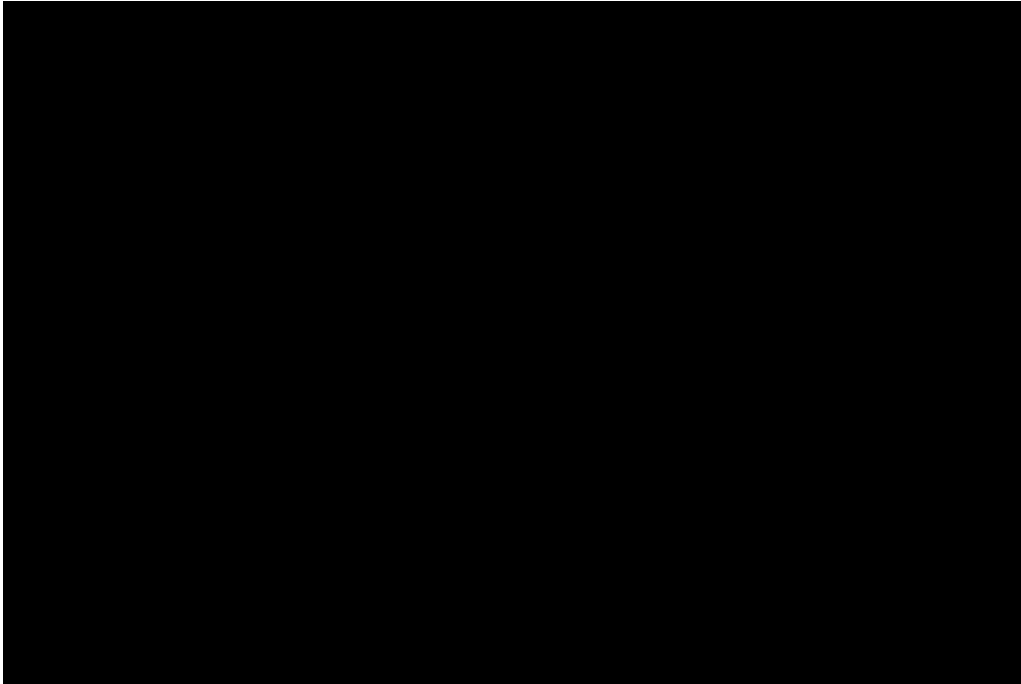
In Orange County, we have a 100% absconscion rate for these crimes; if they bail out, they never return to be held accountable for their actions. This is consistent through the country.

California's sanctuary state status only compounds the threat. We know transnational criminals, including Colombian nationals, are intentionally being arrested at the California border to gain entry into the United States, knowing they will be released quickly. Upon release, they commit residential burglaries and other thefts, including employing military equipment including ghillie suits to blend into the brush for hours to surveil Americans from greenbelts behind their homes – and trackers to track business owners to and from work to maximize their window of opportunity.



Ghillie suit recovered following a July 2022 arrest of Colombian burglary suspects in Irvine, Calif.

With easy access to the United States and no punishment, the reward far outweighs the risk.



*Security footage of residential burglaries being committed by
Chilean organized crime in Ventura County, Calif.*

An Orange County victim of these crimes– the mother of triplets – told the Court how it affected her family: *“Our greatest area of impact has been the emotional stress that this violation of our privacy and security has caused. This burglary has left us all on edge. Scared, disturbed, traumatized disgusted and violated. My children have made these comments to illustrate how emotionally damaged they are, “I’m afraid to play basketball in the back yard;” “I’m not going upstairs by myself because someone may be up there;” “I am so frightened that every light in the house has to be on all night long.”*

Her triplets are 14 years old – and they are afraid of the dark because they know the terror that happens when the lights turn off and it looks like no one is home.

In failing to hold Chile accountable for refusing to provide the required criminal background checks, the Department of Homeland Security has failed in its duty to protect the safety and security of our nation and our citizens.

The Secretary of Homeland Security has statutory authority to immediately terminate or suspend a country’s designation in the ESTA Visa Waiver Program without notice if there is a credible threat originating from that country which poses an imminent danger to the United States or its citizens.

On behalf of Orange County District Attorney Todd Spitzer and law enforcement across the Country, I respectfully ask that Chile’s participation be immediately suspended until it complies with program requirements. Thank you.