

January 29, 2025

The Honorable Kristi Noem Secretary U.S. Department of Homeland Security 2707 Martin Luther King Jr. Ave, SE Washington, D.C. 20528 The Honorable Marco Rubio Secretary U.S. Department of State 2201 C Street NW Washinton, D.C. 20520

Dear Secretaries Noem and Rubio,

With you as the new leaders for the Departments of Homeland Security and State, the American people look forward to your agencies reversing the Biden Administration's policies that have adversely affected their lives. This action includes securing our open borders, which have allowed untold numbers of criminal aliens into our communities. However, not all criminal aliens illegally cross the border to enter the U.S. In fact, they also use legal immigration routes including the Visa Waiver Program (VWP). For the past several years Chile, a VWP country, has been allowed to send criminal aliens to the U.S. with little or no repercussions. This must end.

The VWP allows citizens of 42 countries to enter the United States without a visa for business or tourism purposes and remain in the country for up to 90 days.¹ One of the many requirements for a country to be designated a VWP participant is to enter into an Agreement on Enhancing Cooperation in Preventing and Combating Serious Crime (PCSC) with the U.S. to screen out VWP applicants with criminal backgrounds during the Electronic System for Travel Authorization (ETSA) process.² Chile refuses to provide U.S. authorities the required background information on its nationals seeking VWP entry into the U.S. despite entering into a PCSC agreement with the U.S. in 2013.^{3,4}

As a result, communities across the country have experienced "burglary tourism," in which Chilean organized crime rings exploit the VWP to easily import criminals into the U.S. without a visa or a criminal background check who then commit residential and commercial burglaries, follow-home robberies, and thefts.⁵ These lawless groups are believed to have victimized thousands of Americans and stolen millions of dollars' worth of goods.^{6,7}

In 2022, over 350,000 Chilean nationals entered the U.S.⁸ The country is already grappling with other South American theft groups from Ecuador, Colombia, and Peru who gain admission into the U.S. through a visa to engage in the same lawless conduct in at least 25 U.S. states.⁹

² Ibid.

¹ https://www.dhs.gov/visa-waiver-program.

³ https://www.cnn.com/2024/04/05/us/burglary-tourists-visa-waivers-target-luxury-homes/index.html.

⁴ https://www.state.gov/wp-content/uploads/2019/02/17-920.4-Chile-Law-Enforce-Coop.pdf.
⁵ https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/schoenleben-testimony.pdf.

⁶ https://www.fairus.org/blog/2024/03/25/passport-profit-visa-waivers-flying-burglars-american-neighborhoods.

⁷ https://dailycaller.com/2024/03/15/south-american-criminal-syndicate-burglary-gang-chile-visa/.
⁸ https://newsantaana.com/the-ocda-says-chileans-are-coming-here-to-do-home-invasion-robberies/.

⁹ https://mypost.com/2024/03/24/us-news/south-american-crime-tourists-infiltrate-at-least-half-of-us-states-to-target-the-rich-thefts-way-way-up/

In a July 13, 2023, House Judiciary Committee hearing, Orange County Senior Deputy District Attorney Bradley Schoenleben testified about the magnitude of VWP abuse by Chilean criminal theft gangs, explaining how Americans nationwide are being unknowingly surveilled and stalked in their homes, often resulting in their cash, jewelry, and other belongings being stolen by these foreign criminals.¹⁰

These Chilean crime syndicates have recruited and trained individuals to form burglary teams. Through these teams, the Chilean nationals develop surveillance teams and use sophisticated technology like Wi-Fi and cell phone jammers and electronic trackers to conduct their burglary operations.¹¹ Law enforcement across the country has raised concern about Chile's abuse of the VWP, including Nassau County, New York; Flagler County, Florida; Shelby County, Alabama; Williamson County, Tennessee; and Los Angeles, Riverside, San Bernardino, and Ventura Counties in California; and more.¹²

VWP-related crime tourism has become so prevalent that the Federal Bureau of Investigation is working with 750 different law enforcement agencies across all 50 states to mitigate these crimes.¹³ Additionally, foreign criminals engaging in these burglaries and robberies have garnered bipartisan concern in Congress.¹⁴ Unsurprisingly, the Biden administration did little to secure Chile's cooperation with the requirements of the VWP even after Chile's ambassador to the U.S. seemingly acknowledged his country was failing to provide vital criminal records for VWP applicants.¹⁵

As recently as December 2024, local law enforcement sounded the alarm of Chile's continued exploitation of the VWP and has asked the Trump administration's help in stamping out South American burglary gangs.^{16,17}

We urge you to direct your respective agencies to require Chile to share its security records and to revoke Chile's VWP status if it refuses to cooperate. Moreover, we call on you to ensure other countries are working with the federal government to stop foreign theft rings across the U.S. In 2002, Argentina lost its VWP status after the federal government discovered that scores of its citizens were refusing to return home to obtain employment and reside in the U.S. The same action can be taken against Chile and other uncooperative nations.¹⁸

We thank you for considering this proposal to help secure the homeland. In the meantime, my office will draft legislation to close other vulnerabilities in the VWP to ensure long-term changes in the program. We look forward to working with you and your departments to ensure our borders are secure and uphold the integrity of our immigration system by curtailing fraud and safeguarding against security threats.

Respectfully,

Chip Roy Member of Congress

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Tom McClintock Member of Congress

 $[\]label{eq:linear} {}^{10}\mbox{Ibid. https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/schoenleben-testimony.pdf. \label{eq:linear}$

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¹³ Ibid.

¹⁴ https://youngkim.house.gov/wp-content/uploads/2023/11/media-document-2023-06-15-vwp-letter.pdf.

¹⁵ https://www.congress.gov/118/meeting/house/116200/documents/HHRG-118-JU01-20230713-SD006.pdf.
¹⁶ https://www.fox2detroit.com/news/sheriff-calls-end-visa-waiver-program-after-chilean-gangs-target-high-end-oakland-county-homes.

¹⁷https://www.dozdeuoit.com/articles/32642/oakland_county_sheriff_bouchard_wants_trump_s_help_with_south_american_burglary_gangs.

¹⁸ https://www.federalregister.gov/documents/2002/02/21/02-4260/termination-of-the-designation-of-argentina-as-a-participant-under-the-visa-waiver-program.

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