

Korean immigrant escaping abusive relationship swindled by B.C. restaurant owner

B.C. Supreme Court decision says Me Hee Kim paid about \$302K in unjustified expenses

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A Korean restaurant owner in Courtenay, B.C., has been ordered to pay back \$302,000 in expenses to a woman who was trying to immigrate to Canada. (Mike Laanela/CBC)

A Korean immigrant who wanted to leave her abusive husband and make a better life for her children in Canada has won a recent case in B.C. Supreme Court against a Vancouver Island restaurant owner who swindled her out of \$302,000.

In his decision, Supreme Court of B.C. Judge S. Dev Dley said the case "highlights greed and opportunism capitalizing on the vulnerabilities of immigrants who seek residency in Canada." Dley also said many parties involved in the case, including the plaintiff, were involved in avoiding or subverting Canada's immigration requirements.

The judge says Ae Sun Choi, owner of the "small and unprofitable" Hana Korean Restaurant in Courtenay, took advantage of Me Hee Kim, 51, who was seeking permanent residency by way of purchasing the restaurant.

Kim had few life skills, no experience running a restaurant and did not speak much English or have any friends in the small Vancouver Island city, Dley wrote.

Choi argued that Kim was willing to pay whatever it took to obtain permanent residency — and the judge agreed, acknowledging that Kim also falsified her resumé in order to present herself as a skilled worker. Despite that, the judge still decided Choi took advantage of Kim's vulnerable status and profited from it.

"What may have started out as an arrangement to benefit both parties quickly turned into a predatory scheme to extract money out of Ms. Kim on the pretext that it was necessary to keep the restaurant functioning," Dley wrote.

'Often taken advantage of'

According to the decision, over the course of a little more than a year, Choi pocketed the \$302,000 she told Kim were costs to operate the small restaurant.

When Kim finally questioned Choi about the expenses, Choi closed the restaurant and withdrew her support for Kim's residency application. Kim tried to stay in Canada but ultimately returned to Korea.

Vancouver-based immigration lawyer Zool Suleman says Kim's story is not uncommon — what is unusual, Suleman says, is that she pursued her claim in court and was successful.

"Immigrants are often taken advantage of," he said. "Most often these kinds of immigration stories are either resolved quietly or never make it to public life."

CBC News reached out to the plaintiff and the defendant. Both refused to comment, but Choi's lawyer said she intends to file a notice of appeal.

Leaving an abusive husband

According to the decision, Kim moved to B.C. in August 2013. Her marriage "was in difficulty" and her husband was abusive when he drank. Her children were five and 10 at the time.

While still in Korea, Kim had met with a recruiter from the Comox Valley School District who convinced her the small island city was an ideal place for her children.

The recruiter introduced Kim to Choi after Kim expressed interest in running a restaurant.

Choi had listed the restaurant at \$93,000, even though her realtor had recently assessed it at only \$25,000. In September 2013, Kim paid full price. Choi remained the restaurant's "puppet owner."

Kim wanted to achieve permanent residency in Canada as quickly as possible, the decision says, and she believed the way to do that was to buy the restaurant and secure a spot for herself as a skilled worker.

Increasing expenses

Kim's only work experience consisted of selling waffles and coffee in 2010, the decision says — so she also agreed to pay Choi a monthly salary of \$3,500 to run the restaurant part-time. Choi's salary soon increased to \$7,500 a month.

Over the course of the year, Choi charged Kim \$380,000 for her salary and various expenses, including \$10,000 for the recipe of a "secret sauce" that consisted mostly of soy sauce, paste and spices.

The decision says Choi used the proceeds to help pay for a house in the area.

When Kim questioned Choi about the expenses in October 2016, the decision says, Choi locked the restaurant's doors and stopped supporting Kim's residency application. Kim had to return to Korea.

Judge Dley admits that Kim was prepared to pay for permanent residency in Canada. However, in his decision he concludes that Choi took advantage of Kim's vulnerable status.

Dley ordered that Choi repay Kim about \$302,000 in expenses he determined were not justified.