

**IN THE CITIZENSHIP APPEALS TRIBUNAL**  
**AT SUVA**

**CITIZENSHIP APPEALS TRIBUNAL CASE NO: HIM 2 OF 2020**

**IN THE MATTER** of an appeal under section 21 of the  
Citizenship of Fiji Act 2009 from the decision of the Minister for  
Immigration.

**BETWEEN** : **MOHAMMED FIROZ**  
*Appellant*

**AND** : **MINISTER FOR IMMIGRATION**  
*Respondent*

**Coram** : *Anjala Wati, Judge* - *Chair of the Tribunal.*  
*S. Qica, as RM then* - *Member of the Tribunal.*  
*T. Bainivalu, as RM then* - *Member of the Tribunal.*

**Counsel** : *Mr. Romanu for the Appellant.*  
*Ms. G. Naigulevu and Ms. S. Taukei for the Respondent.*

**Date of Judgment** : *19 April 2024.*

**DECISION**

**Wati, J:** **Chair of the Tribunal**

**Cause**

[1] Mohammed Firoz ("*Firoz*") applied for Fijian citizenship by naturalization. The application was declined on 12 August 2020.

[2] Firoz was informed of the decision by Fiji Immigration Department through a letter dated 23 August 2020. The letter contains the reasons for the refusal in paragraphs 2 and 3. It reads

*“However, pursuant to Section 11(1) Part C of the Immigration Act 2009, it has been established that the information that you supplied towards acquiring your work permits were false and misleading.*

*Furthermore, pursuant to Section 13(2) of the Citizenship Act 2009, the Department has documentary evidence that you have failed to meet the prescribed requirements towards acquiring Fiji Citizenship.”*

[3] Firoz appeals the decision of the Minister in refusing his application.

[4] Before I deal with Firoz’s appeal, let me outline the history of how he entered and remained in Fiji.

[5] Firoz is a Bangladeshi national. He first entered Fiji on 29 March 2006 to study at the Jameatul Islamia in Labasa, a Seminary for the people of the Islamic faith. He was issued with a student permit which was valid until 21 December 2012.

[6] The Islamic Seminary made an application for Firoz to be granted a work permit to work as a teacher at the Islamic Seminary. On 5 December 2012, Firoz was issued with a work permit which was valid until 5 December 2015.

[7] Firoz departed Fiji on 9 April 2015. On 9 November 2016, a company named Laziza Delicious Authentic Cuisine, operating a restaurant in Makoi Suva, made an application for Firoz to be granted a short term work permit to work as the Head Chef at the restaurant. Firoz was granted a work permit to work as a Chef at Laziza Delicious Authentic Cuisine, which was valid from 15 November 2016 to 15 November 2017.

- [8] On 15 November 2017, Saniz Fashion, a company based in Nausori Town, specializing in tailoring, made an application for Firoz to be granted a work permit to work with the company as a tailor. The company had advertised locally for tailors but there were no suitable local candidates for the position. Firoz was granted a work permit from 17 January 2018 to 28 January 2019 to work as a tailor at Saniz Fashion.
- [9] A month prior to the expiry of Firoz's work permit, Saniz Fashion applied for an extension of Firoz's work permit which was granted and valid from 28 January 2019 to 20 January 2021.
- [10] On 25 March 2019, Firoz applied for Fijian citizenship by naturalization.
- [11] The Immigration Department referred the application to Compliance and Investigation Section within the Department to conduct an investigation in respect of Firoz's employment in Fiji, the authenticity of his qualifications, interviewing of Firoz and his referees as necessary and to obtain any other necessary information to assist in the processing of his application for Fijian citizenship.
- [12] The Department says that during the course of the investigations, the Compliance and Investigation Section found that it was not possible to make a determination as to whether the documents submitted in support of Firoz's application for work permit in 2018 were genuine and authentic documents.
- [13] The Compliance and Investigation Section found that a document titled "*Certificate of Work Experience*" stated that Firoz had worked at Shofiq Tailors from 1 November 2011 to 10 December 2006. The Immigration Department says that it would not have been possible for Firoz to have worked at Shofiq Tailors in Bangladesh till 10 December 2006 as his travel history clearly shows that he was in Fiji from 29 March 2006 to 1 December 2008.

[14] The Immigration Department also conducted an interview of Firoz on or around 1 June 2020 in relation to his application for citizenship. In that interview it was also found that Firoz had difficulty in speaking English.

[15] In the same interview Firoz also informed the Investigation Team that he continued to work at Saniz Fashion as a Tailor. . However by a letter dated 16 June 2020 to the Fiji Immigration Department, the Director of Saniz Fashion informed the Department that Firoz had not worked for Saniz Fashion since late February 2020 and that he wanted to go to Bangladesh.

[16] Investigations also found that:

(a) *the Principal of Islamic Seminary is a naturalized Fiji Citizen with Bangladeshi origin and is married to a Bangladeshi national who is of the same village as the appellant;*

(b) *the owner of Laziza Delicious Authentic Cuisine operating a restaurant in Makoi was a friend of the appellant as they attended the Islamic Seminary together; and*

(c) *the owner of Saniz Fashion is a relative of the owner of the Laziza Delicious Authentic Cuisine Restaurant.*

[17] The Department says that Firoz was also interviewed to determine his English language skills as required by s. 13(2) of the Act. It was found that the appellant lacks basic English Communication skills.

[18] As a result of the investigations and following the interview in person with the appellant, it found that the appellant's certificates in relations to his qualifications and work experience could not be authenticated and that he lacked basic English communication skills.

[19] Firoz had therefore failed to satisfy the Minister that he is a person of good character and had adequate knowledge of English language and the responsibilities of a citizen of Fiji. The Minister therefore refused his application on these two grounds.

***Law and Analysis***

[20] The two reasons on why the application for citizenship was refused was:

- (i) *that the applicant was not a person of good character; and*
- (ii) *that he does not have adequate knowledge of English language and of the responsibilities of the citizen of Fiji.*

[21] I will start with the reason of not having adequate knowledge of English language. I have seen the test results conducted by the Fiji Immigration Department. The test result is attached to the affidavit of the Department.

[22] The results are undoubtedly clear. The applicant Firoz lacks basic understanding of English Language.

[23] He is not able to answer simple questions such as:

- “(1) Where are you currently living and how do you travel daily? His answer “no job, Compliance call me.”*
- (2) What is the name of your spouse? There was no answer to this question.*
- (3) Children- if yes then how many? No answer was given.*
- (4) How old are your children? No answer was given.*

- (5) *With your experience, skills and knowledge – what can you contribute to the country/community? No answer was given.*
- (6) *What do you do on a daily basis for a living? No answer was given.*
- (7) *What permit are you currently on? No answer was given.*
- (8) *How many times has your permit been renewed? No answer was given.*

[24] The test also revealed that Firoz could not read. He does not have any knowledge about the culture and civic duties of a good citizen.

[25] He failed the test. He could not demonstrate that he has adequate knowledge of English language or of the responsibilities of a citizen of Fiji.

[26] Section 13(2) of the Citizenship Act of Fiji 2009 states that the Minister may refuse to grant a certificate of naturalization if the applicant fails to satisfy the Minister that the applicant is a person of good character, has adequate knowledge of the English Language and of the responsibilities of a citizen of Fiji, and intends to continue to reside in Fiji.

[27] The Minister could not be satisfied that the applicant has adequate knowledge of the English Language and of the responsibilities of a citizen of Fiji. That was apparent from the test conducted by the Department.

[28] Most countries require English Language test for migration. Fiji requires that for applications by naturalization. If a person fails that test, citizenship will be refused. The Department can only take into account the results of the exam sat by the applicant and not other people's views on how good an applicant is in English.

[29] There is nothing to convince us that the applicant qualifies under the law as a person who has adequate knowledge of English knowledge and of the responsibilities of a citizen.



- [30] The appellant forwarded to the Tribunal a letter dated 18 January 2021 from IPA learning Centre. The letter reads:

***“Re: Letter of Confirmation Mohammed Firoz English Language Tutoring***

*This is to inform that Mohammed Firoz was enrolled at the IPA Learning Centre in Nasinu from 15<sup>th</sup> September to 2<sup>nd</sup> December, 2020 for English language tutoring for ten (10) weeks.*

*Furthermore, Mohammed Firoz completed five (5) weeks of session dated: 15<sup>th</sup> September, 6<sup>th</sup> and 28<sup>th</sup> October, 11<sup>th</sup> and 25<sup>th</sup> November, 2020. Each session comprised of 60 minutes of activities with the tutor. These activities were face-to-face discussions with the tutor and individual working on selected activities. The sessions were also written and oral activities.*

*As an adult student and learning English as a second language is not an easy task. Mohammed Firoz was committed and tried his best during his learning process. He is capable of improving with regular conversation and practice on a daily basis with members in the wider community.*

*I wish him well in his future endeavours and know that he will be able to improve his command of the English language with confidence if given the opportunity to practice in real life contexts.”*

- [31] The above does not establish that Firoz meets the requirements of the Act. The letter does not state with any confidence that the applicant has adequate knowledge of English Language and understands his civic responsibilities. He has also not sat any independent exams post the letter to establish his capacity.
- [32] I now turn to the “good character” aspect. Firoz says that the Department refused him citizenship because of a mistake in his “*Certificate of Work Experience*” which should

state that he worked for Shofiq Tailors and Sewing Training Centre as a staff from 1 November 2001 to 10 December 2005 instead of 10 December 2006.

- [33] He submitted a statutory declaration to the Court dated 14 October 2020. In that declaration he says that the certificate he tendered for his work permit to the Department was a translated document in which his translator made a mistake. He should have typed 2005 instead of 2006. He attaches to the declaration an original certificate issued in Bangladeshi language which he asserts shows the year as 2005.
- [34] The statutory declaration also has a certificate by the translator confirming the mistake.
- [35] Is the correction an afterthought of the Immigration finding the dishonesty? Even if the Tribunal accepts that that was a mistake, the applicant's curriculum vitae also has that date as 2001-2006. It appears that the year 2006 was included to misguide the Fiji Immigration Department on the number of years of experience in the tailoring field as 5 years.
- [36] To my mind, the applicant wanted to show that he had enough qualification to work as a tailor. What concerns me is that when he started work in November 2001, he was only 14 years 11 months old. He was almost 15 years. By 1 January 2002 he was 15 years old.
- [37] How could he be a full time staff at Shofiq Tailors and work full time for Hotel – Al-Razzaque Restaurant from 01/01/2002 to 31/12/2004? He had tendered a document to the Immigration Department confirming that he worked for Razzaque Restaurant from 01/01/2002 to 31/12/2004. He could not be working full time in two different places and that too at that young age. The certificates do not say that he was a part time worker. I am content that it is issued to indicate that he was a full time worker. If he was a part time worker, the certificates should say that.



[38] I do not find Firoz to be honest in making representations about his work experience. He has maliciously tried to mislead the Department into believing that he has experience to come and serve this country. He got found out by the Department and on the evidence before it, the Minister was entitled to treat him as a person who lacks moral values. His documents are not authentic. He ought to have informed the Department that he is submitting translated documents to it. Further, if he knew Basic English, he could have been able to spot the mistake in his certificates and not submitted the incorrect ones to the Department.

[39] The Tribunal does not find any error on the Minister's part in refusing the application for citizenship under both grounds.

***Result***

[40] The appeal is dismissed. The appellant is to pay costs to the respondent in the sum of \$3,500 within 21 days.

**Qica, J:**        **Member of the Tribunal**

[41] Upon perusing the relevant documents including the English test results of the applicant, I too find that the Minister was correct in refusing the citizenship on the basis that the applicant Firoz was not a person of good character or has adequate knowledge of English Language and responsibilities of a citizen of Fiji.

[42] I agree with the findings and orders of the Wati, J that this appeal should be dismissed with costs.

**T. Bainivalu;**        **Member of the Tribunal**

[43] I have seen the appellant in Court. I have also seen the relevant documents. For the reasons identified by Wati, J; I am also of the view that the applicant could not satisfy the Minister

that he was a person of good character and that he had adequate knowledge of English Language and of the responsibilities of a citizen of Fiji.

[44] The appeal ought to be dismissed with costs.

**Orders**

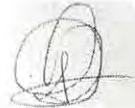
[45] The orders of the Tribunal are:

- (i) *The appeal is dismissed.*
- (ii) *The appellant is to pay to the respondent costs of the appeal proceedings in the sum of \$3,500 within 21 days.*



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**Hon. Justice Anjala Wati**  
CHAIR



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**Hon. Justice Samuela Qica**  
MEMBER



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**Resident Magistrate Tomasi Bainivalu**  
MEMBER

**Solicitors:**

MIQ Lawyers for the Appellant.  
Office of the Attorney General for the Respondent.  
File: HIM 2 of 2020.