



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF C-D-M-, INC.

DATE: DEC. 11, 2015

MOTION ON VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, which is in the business of tennis club management for resorts, hotels, and private tennis clubs, seeks to classify the Beneficiary as a High Performance Coach under the COMPETE Act. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(P)(i), 8 U.S.C. § 1101(a)(15)(P)(i) and section 214(c)(4)(A)(i) of the Act, 8 U.S.C. § 1184(c)(4)(A)(i). The Director denied the petition. We rejected a subsequent appeal. The matter is now before us on a motion to reopen. The motion to reopen will be denied.

The Director denied the petition, concluding that the Petitioner did not establish the Beneficiary's eligibility for the requested classification. On June 4, 2014, U.S. Citizenship and Immigration Services (USCIS) received the Form I-290B, Notice of Appeal or Motion, signed by [REDACTED] an attorney with the [REDACTED]. The Form I-290B was not accompanied by a new and properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, signed by the Petitioner authorizing [REDACTED] to represent the Petitioner with respect to the Form I-290B. On March 24, 2015, we sent a facsimile transmission to [REDACTED] notifying her that the appeal was filed without a properly executed Form G-28. We did not receive a response to our facsimile transmission. As a result, on May 5, 2015, we rejected the appeal as improperly filed.

On June 19, 2015, the Petitioner filed a motion to reopen. As we rejected the appeal, there is no decision on our part that may be reopened in this proceeding. Because the disputed decision was rendered by the Director, we have no jurisdiction over this motion and the motion must be denied.

ORDER: The motion to reopen is denied.

Cite as *Matter of C-D-M-, Inc.*, ID# 14881 (AAO Dec. 11, 2015)