

March 1, 2013

Premium Processing
U.S. Citizenship and Immigration Services
Texas Service Center
4141 North St. Augustine Road
Dallas, TX 75227

Sent via UPS

RE: Employment Immigration Petition
Petitioner: Global Communications Centers LLC
Beneficiary: John Smith

Dear Immigration Officer:

This letter is written in support of the petition by Global Communications Centers LLC to classify Mr. John Smith as a Multinational Manager/Executive for employment-based immigration. Mr. Smith has been in the U.S. on an L-1 visa since 2010 establishing Global Communications Centers LLC in Albany, NY. Prior to that, Mr. Smith was employed by an affiliate company in Australia, Global Communications International Pty. Ltd., from January 13, 1992 in the position of CEO/Managing Director.

Global Communications Centers LLC is therefore qualified to petition Mr. Smith for an employment-based immigrant visa under the first preference of multinational manager/executive.

CLASSIFICATION

EMPLOYED OUTSIDE OF THE U.S. FOR AT LEAST 1 YEAR IN THE 3 YEARS PRECEDING THE ORIGINAL PETITION WHICH THE EMPLOYER SOUGHT TO ENTER THE U.S. - EMPLOYMENT MUST HAVE BEEN OUTSIDE THE U.S. IN A MANAGERIAL OR EXECUTIVE CAPACITY AND WITH THE SAME EMPLOYER, AN AFFILIATE, OR A SUBSIDIARY OF THE EMPLOYER.

Mr. Smith was employed with affiliate company, Global Communications International Pty. Ltd. in Australia. Since January 13, 1992, Mr. Smith held the position of Managing Director and CEO of the Australian-based company. **Exhibit A** indicates that Mr. Smith was a Director and CEO of Global Communications International Pty. Ltd. since its registration date in 2007. **Exhibit B** is a distributorship agreement that demonstrates Mr. Smith's executive authority with Global Communications International Pty. Ltd. as President/CEO to enter into an agreement with a distributor for the simulators. **Exhibit C** is a sample of a few shipping labels which are used to demonstrate that Mr. Smith held some level of authority and was in-fact employed with Global Communications International Pty. Ltd. for the required period to qualify for the EB-1 classification.

PETITIONING EMPLOYER MUST BE A U.S. EMPLOYER AND MUST HAVE BEEN DOING BUSINESS FOR AT LEAST 1 YEAR, AS AN AFFILIATE, A SUBSIDIARY, OR AS THE SAME CORPORATION OR OTHER LEGAL ENTITY THAT EMPLOYED THE BENEFICIARY ABROAD.

The Petitioner, Global Communications Centers LLC, has been registered with the NYS Department of State as a corporation since November 12, 2009 **(Exhibit D – Entity Information)**. Global Communications Centers LLC currently leases the property located at 10 Commerce Drive, Albany, NY. **(Exhibit E – Lease)**. As of February 2013, Global Communications Centers LLC employs six (6) U.S. employees as noted in the I-140 application. The roles of the employees can be found on page 22 of the business plan **(Exhibit F – Business Plan)**. Appendix G of the Business Plan **(Exhibit F)** also shows the Profit and Loss numbers from 2010, 2011 and the estimated numbers for 2012.

Currently, Global Communications Centers LLC operates as an indoor golf experience available to visitors for instructional and recreational golf. In addition to the golf simulators, the facility includes a retail store with unique golf and fitness products, golf swing training and instruction center, TV/DVD viewing area, conference/meeting facilities and food and beverage facilities including full bar services. **(Exhibit F)**.

CORPORATE STRUCTURE AND RELATIONSHIP

Global Communications Centers LLC is an affiliate of the Australian company Global Communications International Pty. Ltd. **(Exhibit G)**. The organizational chart of the Global Communications Affiliates shows that Global Communications International Pty. Ltd., currently owned by Bob Smith, is an affiliate of the Global Communications companies in the US. In addition to the chart, **Exhibit H – Supplemental Statement** explains that Mr. John Smith communicates daily with Bob Smith regarding business concerning the affiliate companies (such as the Flagship location in Albany, NY as well as the expansion of the Global Communications brand in the U.S.) via Skype and telephone.

Therefore, the current relationship between the companies as related affiliates qualifies the petitioner and beneficiary for the EB-1 priority worker category.

In addition to the above entity, there are two additional affiliate companies in the United States: Global Communications America LLC and Global Communications Syracuse LLC. **(Exhibit O & P – Entity Information)**. Global Communications America LLC was established to separate the manufacturing, marketing and expansion of the simulators and indoor golf centers in the U.S. from the established centers in the U.S. Global Communications Syracuse LLC was created in order to own and operate a second center location in Syracuse. Both entities are owned and operated by Mr. Smith as the CEO and Managing Director.

Global Communications Syracuse LLC has a similar business plan as Global Communications Centers LLC and is currently on track to becoming a successful location due to the increased foot traffic surrounding the location – it is located in a popular mall (Destiny USA Mall in Syracuse, NY). Mr. Smith separated each entity so that each center has

its own corporate structure. This is a very attractive feature to prospective investors who may wish to take over the location once it is established.

Additional ventures linked to the Global Communications family of companies are the franchised locations. Global Communications Boston is currently the only running franchise Global Communications Center, located in Boston, MA. While John is not an owner with this company, he is currently contracted as a consultant available to assist the company to help them sustain a successful center that can be held up to the Global Communications standard. **(Exhibit I – OG New England)**. There is a potential franchise location currently being negotiated in Baltimore **(Exhibit Q- Baltimore MOU)** as well as in California **(Exhibit T – CA Correspondence)** which will have similar franchise agreements that allow Mr. Smith to assist with the center as a consultant.

Exhibit R provides a chart which outlines the related business ventures for Global Communications and John Smith in the U.S. It is important to note that although they are separate entities, Mr. Smith is dedicated to each and every one of these companies to help them grow. They are each a part of the Global Communications family of companies and their growth should be seen as Mr. Smith's success in the U.S. market.

Based on the information presented above, Petitioner and Beneficiary should be found to qualify for Employment Based Immigration under the First Preference Category of Multinational Manager/Executive.

REASON FOR ADJUSTMENT OF STATUS

While working for Global Communications International Pty. Ltd, Mr. Smith's main role was to establish, lead and grow the global operations of Global Communications to expand into the targeted markets for optimum growth. Since being transferred to the U.S., Mr. Smith has expanded the company into Albany, NY and has continued to connect with companies and interested parties in the U.S. to continue the expansion of the Global Communications brand.

Mr. Smith's primary focus has been Global Communications Centers LLC and other Global Communications ventures in the U.S. The initial focus was to establish the flagship center in Albany, NY to showcase the unique center as well as the golf simulator technology to potential purchasers and franchisees alike.

CURRENT DUTIES

Mr. Smith currently is in charge of the Human Resources selection and recruitment process for Global Communications Centers LLC. This process includes overseeing the work of all management positions within the company. His management role involves the day-to-day direct creation and implementation of various protocols and procedures that are necessary for the operation of the center. The indoor golf market is relatively new and involves protected intellectual property that is not widely known or available; currently there are not many facilities that offer indoor golf in an electronic format (by use of the golf

simulators). Mr. Smith is currently the only person who has the knowledge, experience and skills to develop and implement such procedures. His past experience and success in the indoor golf Market, his personal equity ownership and availability to provide funding for new locations, and his capacity as a principal of the entity that benefits from a license to the required technology allow him to create and implement the procedures necessary to create a successful business in this new industry. Due to the complex nature of the position, Mr. Smith has not yet been able to find a General Manager for the Albany location who is willing and able to take on the management role and create protocols that can be standardized and taught to a management team. As a result, Mr. Smith is currently fulfilling this role, while actively seeking a suitable candidate for the position. **Exhibit H** further explains why Global Communications Centers LLC – Albany location – was not able to meet its projected financial goals in 2012.

The current organizational structure of Global Communications Centers LLC is depicted on a chart (**Exhibit S – OC Chart**). This chart demonstrates that Mr. Smith is currently the President, Vice President General Manager and Manager for this location. Recently Mr. Smith has identified a potential Manager for Global Communications Centers in Albany, NY (), however, Mr. Smith is in the process of evaluating and training Mr. qualifications for the position. Mr. Smith is also actively looking for a General Manager for this location. Should any future managers show the potential to grow into the position, Mr. Smith may consider appointing them to General Manager.

With the expansion of the Global Communications brand into other U.S. Markets, Mr. Smith has adjusted his Marketing plan to include the promotion of Global Communications as a “turn-key” operation to franchise the concept in the various centers across the U.S. Due to the complex nature of the centers, Mr. Smith realizes the need for him to be involved in the direct oversight of the first few centers in order to properly train the permanent staff/team members; issues are likely to arise at other locations that are not faced by the company in the current location. Until he is able to create, standardize, and apply these practices, Mr. Smith will still need to be intimately involved with these companies – as a consultant - as well as continue with the promotion and expansion of Global Communications to other locations.

Mr. Smith’s current efforts are directed at the continued development of the flagship location (Albany, NY), the establishment of the Syracuse, NY location and the continued consultation efforts with the current center in Boston, MA. In order for the company to maintain its success and meet the growing demands of its customers, it needs to continue to grow and expand into different Markets.

His efforts are devoted to working toward expanding the company base and employees, both in increasing the size of the existing locations and opening multiple new locations. In **Exhibit J** a series of emails demonstrate the interest of potential investors to own a franchise location of Global Communications Centers.

In addition to the above duties, Mr. Smith has spent a great deal of his time Marketing the Global Communications brand by way of simulator sales. **Exhibit K –**

Simulator Sales shows a series of different emails from potential clients and investors who are looking to purchase the Global Communications simulators for their businesses, independent of the Global Communications Centers. It also provides a few invoices of past simulator sales by Global Communications America LLC (an affiliate of Global Communications Centers LLC) and the purchasers.

The emails and invoices are submitted to show actual and consistent efforts to expand the business, the product and Global Communications locations to other states. Teleconferences, meetings or business discussions have taken place to pursue expansion to other states: New Hampshire, Massachusetts, Oklahoma, New Jersey, Pennsylvania, Delaware, and Arizona. Interest has also been expressed by Canadian customers and investors in the province of Ontario. The exhibits demonstrate that there is actual interest and this is a reasonably certain outcome of some of the initial contacts if he can continue to pursue these opportunities. There are people contacting him without solicitation, evidencing actual interest in the company.

Mr. Smith also prepares and administers the overall budget for the entire company, as well as the processing and implementing of all business plans. Taking on this role during the initial stages to help set-up a successful center allows Mr. Smith to use his knowledge and experience in the industry to create a unique business that has become very desirable in the golfing industry.

Due to the complex nature of the business, even when Mr. Smith sells a location as a franchise, the need for his knowledge of all aspects of the company is still quite large. As a result, Mr. Smith strives to ensure his availability as a consultant with these companies to ensure that all the Global Communications locations represent the Global Communications brand well.

DUTIES TO PERFORM IF PETITION IS APPROVED AND STAY IS EXTENDED

Global Communications Centers LLC is hoping to expand into other states where Mr. Smith will be needed to consult with new owners, implement and oversee the entire process, from construction and building contracts to training a new set of employees and managers for the new locations.

Attached as **Exhibit J** are the letters and emails demonstrating the demand and Market availability for expansion of the company, for which Mr. Smith will be needed to oversee and direct. Because of his past success with the international business, Mr. Smith is the only person with the ability and knowledge to properly develop and expand the company successfully in this new industry. Not only does he have the ability to successfully expand (as evidenced with the current Syracuse and Albany expansions from Australia) he also is currently the only person who has the experience with the golf simulators technology and how to incorporate them into a successful indoor golfing experience. The letters (**Exhibit J**) also demonstrate the various contacts Mr. Smith has made during his stay in the US due to his personal knowledge base and ability to promote the new product and company.

Apart from maintaining and expanding the business, Mr. Smith is also in the process of working with various suppliers to produce the golf simulators in the U.S. to replace the outsourced operations from overseas. This will not only create another business venture and more jobs in the U.S., but will also reduce the operating costs of Global Communications Centers LLC and strengthen its financial position. Mr. Smith is currently the only person who has had experience with the simulators and has succeeded promoting them to avid golfers during the off-season. In order to be able to find a suitable manufacturer, one must possess not only knowledge of the product on a technical level and the limits of the intellectual property used in the business, but also understand how the product must work in a demanding environment as shown at Global Communications Centers LLC in Albany. In having this knowledge, Mr. Smith is able to understand how the product needs to be manufactured and thus choose the appropriate manufacturer most suitable for the task. **Exhibit L** provides some invoices from Global Communications part suppliers in the U.S. that Mr. Smith has been in contact with to provide parts for Global Communications simulators as well as Global Communications Centers.

Attached as **Exhibit E**, is a copy of the Global Communications Centers LLC business plan which outlines the intended goals of Global Communications Centers LLC. According to this business plan, Global Communications Centers LLC has currently established a successful business at the current Albany, NY location.

This location has grown immensely since Opening in late 2010 as demonstrated in the Profit and Loss statements in the Business Plan (**Exhibit E**). The goals of Global Communications Centers LLC were outlined on page 17 of the business plan. The first step of creating the center and attracting the golfing community to the unique indoor golfing environment has since been accomplished. Step two (2) has been a difficult goal to reach due to the unpredictable Market given the fluctuation in weather. While Global Communications does attract members in the winter season, due to the issues with the former General Manager as well as the increased focus on the expansion of the Global Communications brand, income at the flagship center has not reached its projected potential. Allowing Mr. Smith the ability to maintain his managerial role, to advertise and promote the center to bring the participation level he knows the center can achieve, is a main objective in keeping Mr. Smith in the country.

The inability to complete the second step of the Global Communications project did not deter Mr. Smith from continuing towards the final step in the business plan – to use the Albany location as a Marketing tool and showcase for future affiliate centers. **Exhibits J & K** demonstrate that Mr. Smith has successfully began to Market the Global Communications brand by using the center and the simulators located at the center as a Marketing tool to attract buyers and investors. Allowing Mr. Smith to stay and promote the center to investors and interested parties will allow Global Communications Centers LLC the ability to continue to expand into other Markets and increase not only its profits and business success, but it will also provide employment for those in the newer Markets.

In addition to the above, attached as **Exhibit M** are letters from the community which demonstrate the positive impact Global Communications Centers LLC has had on the community as well as the potential for further growth.

BENEFICIARY QUALIFICATION

Mr. Smith holds a Bachelor in Business Administration from Business Academy in. In addition, Mr. Smith was employed by Global Communications International Pty. Ltd. from 1992 to 2010. He has worked for over 20 years to continuously establish the Global Communications simulator system. In addition, he has built a network of distributors in several countries to promote the center's unique format. Attached as **Exhibit N** is a copy of Mr. Smith's Resume which details his 42 years of professional business experience and educational credentials.

IN SUMMARY

In summary, Mr. Smith's U.S. assignment has grown into an expansive endeavor which will require his unique skillset and expertise for the foreseeable future to help the growth of Global Communications Centers LLC and all its related entities in the field of indoor golf entertainment centers in the U.S.

We ask that you grant this petition by Global Communications Centers LLC to classify Mr. Smith as an employment-based immigrant in the position of CEO/Managing Member.

Very Truly Yours

Tracy P. Jong
Attorney for Petitioner
Global Communications Centers LLC