



Type of law:
CIVIL LAW

A 2022 Alberta Guide to the Law

Visiting, Working & Studying in Canada

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GENERAL

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****Please note: immigration rules change often. The information in this pamphlet is correct as of July 2022. Please contact a lawyer for rules specific to your situation.****

Temporary Residents

Temporary residents are foreign nationals visiting Canada for a limited time before they leave again for their home country. This can include temporary visitors, workers, and students. If foreign nationals want to work in Canada, they usually need a work permit, although there are some exceptions. If visitors want to enroll in full-time studies they need a study permit in most cases. A temporary resident must leave Canada when their permit expires, or apply to have their permit extended prior to its expiration.

To visit, work, or study in Canada:

- You must be healthy,
- You must respect Canadian laws,
- You will need a valid passport or other travel document,
- You will need a temporary resident visa (TRV) if you are from a country for which it is required,
- You must satisfy an immigration officer that you will leave at the end of your visit,
- You might not be admitted to Canada if you have a criminal record.

In some circumstances, it is possible to change the conditions of a temporary stay. For example, you can apply for permanent residency while you are in Canada with a work permit, and you can apply for a work permit while you are a student and vice-versa. This must be done before your current temporary status (visitor, study, or work permit) expires, and you must retain legal status in Canada until your application is approved. This means that you may need to apply to extend your current visitor, work, or study permit if it will expire before your new application is complete.

If you are applying for a work permit, study permit, a visitor visa, or to live in Canada permanently, you will likely have to provide your biometrics (such as your fingerprints) and pay an additional fee. This requirement also applies to applications to extend your stay. Biometrics are usually valid for 10 years, so you only need to do this once in that period of time.

After the visa office receives your application, they may also ask for more information or documents. For example, they may ask for medical information, police clearances, or information about you to rule out security concerns.

1. Study Permits



If you are not a citizen of Canada, but want to study in Canada, you usually have to obtain a study permit.

To be able to study in Canada:

- ✓ You must be accepted by a school, college, university or other educational institution in Canada which is recognized by Immigration, Refugees, and Citizenship Canada (IRCC) as a “designated learning institution”.
- ✓ You must prove that you have enough money to pay for tuition fees, living expenses, and return transportation,
- ✓ You must be a law-abiding citizen with no criminal record and not be a risk to the security of Canada,
- ✓ You must be in good health and willing to complete a medical exam if needed, and
- ✓ You must satisfy the immigration officer that you will leave Canada at the end of your authorized stay.

Note: A study permit is not required if a foreign national wishes to study in Canada in a short-term course or program (6 months or less), is related to or employed by a foreign representative to Canada, or is a member of certain foreign armed forces currently visiting Canada for training purposes for longer than 6 months.

If you are eligible to get a study permit, you must submit the following with your application:

- ✓ Proof that you were accepted at a Canadian school,
- ✓ Proof of identity. This includes a valid passport or travel document.
- ✓ Proof that you have the money to support yourself and any family members who accompany you while in Canada (e.g. bank statements, scholarship letters), and
- ✓ The application fee (\$150)

A complete checklist of all the documents you will need to provide for your application are provided by IRCC at the time of application.

Generally, you can apply for a study permit by applying online or on paper although there are exceptions mandating online applications in certain cases. To apply **online**, you must:

- 1) Have access to a scanner or camera to create electronic copies of necessary documents for uploading, and
- 2) Have a valid credit card for payment.



To apply on **paper**, you must:



1) Download and fill out the application package from the IRCC website (<https://www.canada.ca/en/services/immigration-citizenship.html>), and



2) Submit the application package to the Canadian visa office that serves the country or region where you are legally residing.

Study Permits and Visas

If you are applying for a study permit, and are from certain countries, you may also need a temporary resident visa. A temporary resident visa is an official document that is placed in your passport. If you require a temporary resident visa, you do not have to apply for it separately or pay a separate fee. If your study permit is approved, the visa will be issued at the same time. However, you may need to mail your passport to an IRCC office to get the visa issued. See the section on temporary resident visas below for more information.

Working Students



If you are studying in an academic, professional or vocational training program, you are also allowed to work off-campus. You are allowed to work up to 20 hours a week during the academic session and full-time during the regularly scheduled study breaks. If you are studying English or French as a second language (ESL/FSL), or participating in general interest or preparatory courses, you will need to apply for a work permit to work off campus.

You may work on-campus if you are attending a public educational institution or a qualified private educational institution full-time, AND if you have a valid study permit.

2. Work Permits



Work Permits allow foreign nationals to work in Canada. Work permits can be open, meaning that you can work for any employer you wish, or restricted to one or more employers.

There are many ways for a foreign national to qualify for a work permit. As a general rule, the starting point is that your employer will need to obtain a Labour Market Impact Assessment, or LMIA, in order for your work permit to be granted. However, there are a lot of work permits issued that are exempt from this requirement. For example, there are those that are granted under an international agreement like the International Experience Class, which is a reciprocal agreement between Canada and many other countries allowing young workers the ability to go work internationally in participating countries.

If your job requires a positive LMIA, your employer will need to obtain one from Employment and Social Development Canada (ESDC). The purpose of an LMIA is to determine whether there is a need for a foreign worker to fill the job you were offered and whether there are Canadian workers available to do the job instead of you. If there is a need for foreign workers, your employer will be granted the ability to hire as many workers as they need to fill the Canadian labour market gap.

If you are applying for a work permit for a job that requires a LMIA, you must include the valid LMIA with your application.

LMIA-Exempt Work Permits

Some work permits do not require a LMIA. These are known as LMIA-Exempt work permits, and can be based on the following grounds:

1. International agreements, such as free trade agreements and the International Experience Class. These are usually based on reciprocal agreements that allow Canadians and foreign nationals free mobility to work in each other's country, limited to the terms of the agreements.
2. Canadian interests, which are work permits where Canada benefits from employing foreign nationals without the need for a LMIA. This can be, for example, expanding Francophone communities by granting LMIA-Exempt work permits to individuals who speak French that are willing to work outside of Quebec.
3. Destitute individuals who are in Canada that are unable to support themselves otherwise. Work permits can also be granted on the basis of an individual's vulnerability to abuse, and if there are humanitarian reasons for why an individual should be granted a work permit.
4. Individuals currently applying for permanent residence in Canada.

If you are eligible for a work permit, generally you can apply online or on paper. In certain cases, you must apply online here:

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/updates/2019-temporary-residence-place.html>

To apply **online** you must:

- 1) Have access to a scanner or camera to create electronic copies of necessary documents for uploading, and
- 2) Have a valid credit card for payment.



To apply on paper you must:



- 1) Download and fill out the application package from the IRCC website (www.cic.gc.ca), and
- 2) Submit the application package to the Canadian visa office that serves the country or region where you live. In certain cases, you may apply for a work permit to an IRCC office inside Canada.

If you have not previously done so in the last 10 years, you will need to provide your biometrics when you apply for a work permit. After the visa office receives your application, the visa office might ask for more information or documents. For example, they may ask for medical information or security information (police certificates).

Please note that **if you are applying for an open work permit additional fees will apply**, on top of the regular work permit fees.

Work Permits and Visas

If you are applying for a work permit, and are from certain countries, you may also need a temporary resident visa. A temporary resident visa is an official document that is placed in your passport. If you require a temporary resident visa, you do not have to apply for it separately or pay a separate fee. If your work permit is approved, the visa will be issued at the same time. However, you may need to mail your passport to an IRCC office to get the visa issued. See the section on TRVs below for more information.

Work Permit Exemptions

People who perform certain types of work do not require a work permit. Examples include news reporters, clergy, or performing artists. To find out if you do not require a work permit, visit: <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/need-work-permit-work.html>



Post-Graduation Work Permit

The Post-Graduation Work Permit Program (PGWP) lets students who have graduated from a participating Canadian post-secondary institution stay in Canada and gain Canadian work experience. Skilled Canadian work experience gained through the PGWP program helps graduates qualify for permanent residence in Canada through the Canadian Experience Class (CEC). For more information about becoming a permanent resident through the CEC, see the “Permanent Residents” pamphlet.

A work permit under the PGWP program can only last as long as the length of the study program the student just completed if the program was between 8 months and two years long. The permit can last for a maximum of three years if you studied for 2 years or longer. Additionally, the study program must be a minimum of eight months in length to qualify. For example, if you graduate from an eight-month certificate program, you may be eligible for a work permit that will allow you to work in Canada for eight months. If you graduate from a four-year degree program, you may be eligible for a work permit that will let you work for 3 years in Canada.

You are only allowed to apply to the PGWP program once, so it is best to wait until you have completed all of your studies in Canada to apply. Furthermore, you only qualify to apply for the PGWP program for the first 180 days after you obtain your certificate or degree.

If you apply for a PGWP before the expiry of your study permit while you are in Canada, you retain the right to work even if your work permit has not yet been approved. This is a form of “Maintained Status”, which is discussed in section 4 of this pamphlet.

For more information about the eligibility and application process for the post-graduation work permit, check out <http://www.cic.gc.ca/english/study/work-postgrad.asp> or call IRCC at 1-888-242-2100.

3. Visitors to Canada

A visitor is a temporary resident to Canada that has the right to visit for a set period of time. Foreign nationals from certain countries that are visa-exempt can simply fly into Canada as long as they have applied for an Electronic Travel Authorization, or eTA. Other foreign nationals will need to apply for a temporary resident visa, or TRV. Citizens of the United States do not need to apply for a visa or eTA and can simply fly into Canada on their American passport.

A full list of countries that are exempt from the visa requirements can be found at the following link: <https://www.canada.ca/en/immigration-refugees-citizenship/services/visit-canada/entry-requirements-country.html>

Electronic Travel Authorization

To apply for an eTA, you simply need to visit the following website, submit the online application, and pay the \$7 CAD fee: <https://www.canada.ca/en/immigration-refugees-citizenship/services/visit-canada/eta.html>

The process is short and should only take about 15 minutes. Make sure to have your passport handy as the eTA will be electronically assigned to it, and you will need to provide the information in your passport during the application process.

Temporary Resident Visas

If you are a foreign national from a visa-required country, you will need to apply for a TRV. The application can take months to be approved and you will need to submit an application online or mail it to the Visa Application Center (VAC) that serves your area. In general, you have to:

1. Satisfy an officer that you will leave the country at the end of your trip;
2. Show that you have enough money to sustain yourself during your stay;
3. Not intend to work or study in Canada;
4. Not have a criminal record and not be a risk to the security of Canada;
5. Provide any documentation that is requested by the immigration officials; and
6. Be a healthy individual.

The application fee for a visa is \$100 CAD per family member that you wish to enter with you (up to a maximum of \$500 for a family). Once the application is approved, you will have to mail in your passport to a VAC to get the visa issued.

TRVs are also automatically granted if you are approved for a work or study permit and are from a country that requires a TRV to enter Canada.

You may also request a super visa, which allows for a longer stay, if you are seeking to visit your child or grandchild for a longer period of time. In order to do this, you will need to have a signed letter from your child or grandchild where they provide information about their household and a promise to cover your expenses for the length of your trip. You will also need to get a medical insurance plan that covers at least \$100,000 during your stay and will have to undergo a medical examination to ensure that you meet the medical requirements to enter Canada. You will then be allowed to stay in Canada for up to two years upon entry.

Length of Your Stay

In most cases, regardless of how you entered Canada, you will be allowed to stay as a visitor for a maximum of 6 months. However, if you need a longer stay, you may be able to apply for an extension to your visitor status. If you hold a super visa, you will be allowed to stay for up to two years. If your passport expires less than 6 months from your entry, you will only be allowed to stay up to when your passport expires.

In most cases, **you should not take a volunteer position** during your stay as a visitor.

4. Maintained Status: What Does It Mean?

Sometimes, when you want to extend your stay in Canada, either as a worker, student, or visitor, your application may not be processed before your old status expires. However, even if this happens, you may not have to leave Canada if you have what is known as “Maintained Status”.

When you apply to extend the conditions of a temporary stay before the expiration of said conditions, and the original conditions are going to expire before the new application is processed, then the original conditions are extended until the new application processes. This period of time – from when the original conditions were going to expire to when the new application is processed – is what is called **Maintained Status**. During this time, you retain the right to partake in the activities for which you were **originally** authorized. That is, you may continue to work or study during this time.

It is important to note that Maintained Status is forfeited if you exit Canada while on Maintained Status. That is, if you are working for your employer under Maintained Status and you exit the country, you will only be allowed to return as a visitor and will have to stop working until your application for a new work permit is processed.

Example 1: Raul is a foreign national of Mexico and has been a worker in Canada for 2 years on a work permit limited to his employer, Aguilar Glass. This work permit will expire on June 16, 2022. On June 13, 2022, Raul applies to extend his work permit. Typically, applications to extend a work permit take 2+ months. Raul receives his new work permit on August 2, 2022. In this case, **Raul retained the right to work for Aguilar Glass in Canada under Maintained Status from the period of June 16, 2022, which is when the original document expired, until he got his new work permit on August 2, 2022.** However, all the original conditions of the work permit remain – that is, he can only work for Aguilar Glass. **If he applied to work for a different employer, he may not work with his new employer until the new application is approved.**

Example 2: Pierre is a foreign national of France and is visiting Canada on an extended trip for 6 months. His visitor status will expire on December 3, 2022. While on a ski trip in Banff, he is offered a job at a restaurant as a cook and applies for a work permit on November 26, 2022. This application is approved on January 14, 2023. Since he did not apply to extend the conditions of a work permit, **Pierre does not have Maintained Status and cannot work during the period of December 3, 2022 to January 14, 2023.** Further, if he wants to stay in Canada during that period, he must apply to extend his visitor status as it will expire before the work permit is issued – that is, he does not have Maintained Status as a visitor either.

If you are in the process of applying for a new permit and are not sure if you can work or study during the processing time, **contact a lawyer** and speak with them about your situation.

5. The Impact of the COVID-19 Pandemic on Immigration

The government of Canada has made several changes to its immigration policy as a result of the COVID-19 pandemic. This includes new eligibility requirements for travel, changes to the eligibility requirements for the PGWP programs, and changes to the working student requirements.

Travel Restrictions

As a result of the COVID-19 pandemic, there are ongoing restrictions on who can fly into Canada; key among them is the requirement to have received at least 2 doses of a COVID-19 vaccine that has been approved by Health Canada. You must have received the last dose at least 14 days prior to entering the country. This means that even if you have a valid visa or eTA, you may not be able to land in Canada. Further, if you are eligible to fly in, you must be symptom free at the time of your flight or you will not be allowed to enter.

To find out if you are eligible for travel in and out of Canada, please visit:
<https://travel.gc.ca/travel-covid/travel-restrictions/wizard-start>.

International Students

In most cases, to enter Canada as an international student you must qualify as a vaccinated traveller, have a study permit or a valid letter of introduction showing that you are approved for a study permit, and that you are enrolled in a designated learning institution.

As of September 1, 2020, international students may be able to work in Canada. To do so, you must be enrolled full-time at a designated learning institution, and meet the on-campus and/or off-campus work eligibility requirements. There are certain exceptions to these requirements, so be sure to discuss your situation with a lawyer before committing to any sort of employment.

The PGWP may still be available to international students residing in Canada if, because of COVID-19, in-person classes were moved to an exclusively online format, their classes were offered in blended format of online and in-person learning, or they had to put your studies on

hold/switch to part-time studies during the winter, spring, or summer semester of 2020. However, as of the fall semester of 2020, they must have returned to full-time studies to be considered eligible for the PGWP.

Temporary Workers

Temporary workers who are travelling to Canada must qualify as vaccinated travellers unless they work as an agricultural or food processing worker, a marine crew member, they make medical deliveries, or they work with medical equipment or devices. Despite these exemptions, most travellers must still follow applicable testing and quarantine requirements.

Applications for work permits must be completed online if the applicant is outside Canada. Applicants should be aware that the COVID-19 pandemic has created delays in application processing times. As a result, certain occupations are being prioritized over others; namely those who perform or support essential services such as agricultural, healthcare, and transportation, in addition to film and television workers. Workers whose occupations do not fall into these categories will still have their applications processed, but they should expect that it will take longer than usual. Any supporting documents that are requested to supplement an application must be submitted within 30 days of the request. The deadline for supporting documents may be extended in the event that a reasonable explanation related to complications brought about by COVID-19 can be provided.

In most cases, temporary workers who are already in Canada must apply to extend their work permit or apply to get a new permit. This must be done online unless this is prevented by disability or an issue with the online application system, in which case it must be done on paper. As of September 1, 2021, a temporary worker's status cannot be restored if more than 90 days have passed since their permit expired. As stated above, any supporting documents that are requested to supplement an application must be submitted within 30 days of that request. The deadline for supporting documents may be extended in the event that a reasonable explanation that relates to COVID-19 can be provided.

If you have any other doubts as to how COVID-19 may impact your stay in Canada contact IRCC or a lawyer.

Who Can I Call For More Help Or Information?

Government Agencies

Immigration, Refugees, and Citizenship Canada	Ph: 1-888-242-2100 Or TTY: 1-888-576-8502 (8 am to 4 pm your local time) - Call the TTY service if you: <ul style="list-style-type: none">• are deaf, hard of hearing or have a speech impairment• use a text telephone Website: www.cic.gc.ca
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Apply to visit, study, work or immigrate to Canada, apply for citizenship, a permanent resident card or refugee protection, check the status of your application or find a form.

Government of Alberta Temporary Foreign Worker Helpline	<ul style="list-style-type: none">• Toll-free in Alberta: 1-877-944-9955 Ph: 780-644-2584 Website: https://www.alberta.ca/temporary-foreign-workers.aspx
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Contact for information on temporary foreign worker rights and to report suspected abuses.

Immigration and Refugee Board of Canada (Edmonton office)	Ph: 1-866-787-7472 OR 604-666-5946 Website: www.irb-cisr.gc.ca
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Information on refugee claims and appeals.

Immigration Appeal Division	Ph: 1-866-787-7472 OR 604-666-5946 Website: http://www.irb-cisr.gc.ca/Eng/ImmApp/Pages/ImmApp.aspx
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Information on sponsorship, removal order and residency obligation appeals.

International Adoption

Alberta's Children's Services, Adoption Services 9940 106 Street, Edmonton, AB	Ph: 780-422-5641 Website: https://www.alberta.ca/international-adoption.aspx
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Information on adopting a child from a foreign country and bringing the child back to Alberta.

Immigrant-Serving Organizations in Edmonton

Catholic Social Services 8212 118 Avenue, Edmonton, AB	Ph: 780-424-3545 Website: https://www.cssalberta.ca/
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Find programs and supports for immigrants offered by the Catholic Church.

Changing Together – A Center for Immigrant Women 9538 107 Avenue, Edmonton, AB	Ph: 780-421-0175 Website: www.changingtogether.com
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FREE Services for Immigrant Women

ASSIST Community Services Centre 9649 105A Avenue, Edmonton, AB 810 Saddleback Road, Edmonton, AB	Website: www.assistcsc.org Downtown Ph: 780-429-3111 Southwest Ph: 780-429-3119
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Provide practical & useful resources to help new immigrants to better cope with everyday living.

Edmonton Immigrant Services Association #201 - 10720 113 Street, Edmonton, AB	Ph: 780-474-8445 Website: www.eisa-edmonton.org
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Provide services to new immigrants, refugees, and first generation Canadians.

Edmonton Mennonite Centre for Newcomers 10170 112 Street, Edmonton, AB	Ph: 780-424-7709 Website: www.emcn.ab.ca
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Immigrant settlement agency whose focus is the successful and integrative settlement of newcomers to Edmonton

Language Classes in Edmonton

Centre for Canadian Language Benchmarks	Ph: 613-230-7729 Website: www.language.ca
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Centre of expertise in support of the national standards in English and French for describing, measuring and recognizing second language proficiency of adult immigrants and prospective immigrants for living and working in Canada.

Language Assessment Referral and Counselling Centre (LARCC)	Ph: 780-424-3545 Website: https://larcc.cssalberta.ca
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8212 118 Avenue, Edmonton, AB	
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Helps adult immigrants and refugees determine their current level of English language proficiency, presents options for ESL training, and assists newcomers to explore their educational and career goals/opportunities.

Changing Together – A Centre for Immigrant Women – English as a Second Language (ESL) 9538 107 Avenue, Edmonton, AB	Ph: 780-421-0175 Website: http://www.changingtogether.com/
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Helps immigrant women and their families participate fully in Canadian society. Offers English as a Second Language (ESL) classes and prevention of family violence workshops.

Norquest College, CLBA/LA 11140 131 Street, Edmonton, AB	Ph: 780-422-9061 Website: www.norquest.ca
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Provides English as a second language classes

University of Alberta – Faculty of Extension	Ph: 780-492-3116 Website: https://www.ualberta.ca/extension
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Provides English as a second language classes

Family Violence Resources

Changing Together – A Centre for Immigrant Women – Family Violence Prevention Workshops	Ph: 780-421-0175 Website: www.changingtogether.ca
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Helps immigrant women and their families participate fully in Canadian society. Offers English as a Second Language Classes (ESL) and family violence workshops.

Government of Alberta Family Violence Information Line	Ph: 780-310-1818 Website: https://www.alberta.ca/family-violence-find-supports.aspx
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Talk to trained staff over the phone 24 hours a day, seven days a week, in more than 170 languages. Chat anonymously online with staff from noon to 8:00pm daily.

Islamic Family and Social Services Association #85 - 4003 98 Street, Edmonton, AB (South) #2-786 - 10545 108 Street, Edmonton, AB (Central)	Ph: 780-900-2777 Website: http://www.ifssa.ca
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Non-profit registered charity dedicated to providing services in response to the social needs of the Edmonton community within an Islamic context.

The Shaama Centre 329 Woodvale Road, Edmonton, AB	Ph: 780-465-2992 Website: https://shaama.ca/
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One on one support, outreach services, help victims to navigate the system.

WillowNet: Law and Abused Immigrant Women	Website: www.willownet.ca
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Legal information that may help you if you are an immigrant woman experiencing abuse in an intimate relationship.

The TODAY Family Violence Help Centre	Ph: 780-455-6880 Website: www.thetodaycentre.ca
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Non-profit organization that offers a safe place for individuals victimized by family violence to access free, confidential, emotional, and practical support.

Provincial Abuse Line	Ph: 1-855-443-5722
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Legal Resources

Edmonton Community Legal Centre Second floor 10020 – 100 Street, Edmonton, AB	Ph: 780-702-1725 Website: www.eclc.ca
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Free legal information, free presentations on family law topics every Thursday evening at the Stanley Milner Library from 6:30-8:30, possibility to consult with a family lawyer for approximately 30min if you have attended a lecture.

Legal Aid Society of Alberta #400 - 10320 102 Ave NW, Edmonton, AB	Ph: 1-866-845-3425 Website: www.legalaid.ab.ca
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Free legal information lawyers who may represent you for a reduced rate.

Lawyer Referral Service	Ph: 1-800-661-1095
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Referrals to up to 3 lawyers that may be able to help you.

Student Legal Services of Edmonton 11036 88 Ave NW, Edmonton, AB	Ph: 780-492-2226 Website: www.slsedmonton.com
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Law students able to provide free legal information and assistance with child support applications in the Provincial Court of Alberta.

Dial-A-Law	Ph: 1-800-332-1091
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Legal information on tape.

Alberta Law Line	Ph: 780-644-7777
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Legal Aid Alberta telephone-based program providing free legal information, referrals, and advice province-wide.

Centre for Public Legal Education Alberta (CPLA)	Ph: 780-451-8764 Website: https://www.cplea.ca/
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Online resource designed to provide quick and easy access to information on legal issues in Alberta.