



Travel for Transplantation -Theory into Practice

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First Principles

Not all travel for transplantation is illicit or associated with criminal activity

- People can and do travel legitimately for organ donation and transplantation
- UK has a low level of travel for transplantation but reported activity is increasing
 - Law changes Modern Slavery Act (2015); HT Acts (July 2022)
 - NFP audit and improved clinical awareness
 - Transplant waiting lists going up post-pandemic
 - Lifting of travel restrictions







Legislation

Modern Slavery Act (2015)

• Human trafficking for the purposes of organ donation

Human Tissue Acts – (Amendments, July 2022)

 Jurisdiction within and outside the UK for transplantation associated with criminal activity* (but Modern Slavery Act may also apply)

Other considerations

- General Data Protection Regulations (GDPR)
- Consent law

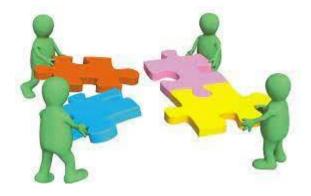
*Except Northern Ireland





Multiple Agencies - Roles and Responsibilities

- Human Tissue Authority- Regulator
- •NHS Blood and Transplant National Focal Point; clinical liaison and support
- Department of Health 'Conductor of the orchestra'; Ministerial liaison
- Other agencies
 - Visas and Immigration
 - National Crime Agency
 - Police







Matters Arising: Case 1

The relationship between a recipient under your care and their non-resident living donor is described to you as a friend of the family.

The donor is still in their country of residence but plans to travel as soon as possible.

They need a letter of support from you to apply for a UK Entry Visa.

What do you do?







Case 1: Potential non-resident living donor where the relationship is unclear and/or cannot be substantiated

- 1. Check Immigration Rules V 8.1 to V.8. 4. for requirements.
 - Crucially these require that the "the applicant must satisfy the decision maker that they genuinely intend to donate an organ to, or be assessed as a potential organ donor for, an identified recipient in the UK with whom they have a genetic or close personal relationship
- 2. Do not write letter of support for the visa unless you are absolutely satisfied there is a genetic or close personal relationship
 - Question motivation and be less trusting- use your professional scepticism
 - Request to see all documents that will be submitted at the point of visa application so you can assure yourself of the relationship and be content to support the application





Case 1: Potential non-resident living donor where the relationship is unclear and/or cannot be substantiated

- Contact HTA for advice <u>transplants@hta.gov.uk</u> or 0207 269 1900 and ask to speak to a member of the LOD team.
 - If a case of this nature does come to the HTA, we will need sufficient time to review and make decisions – please do not assume you will have a decision within normal timeframes, there will be clarifications we will need to seek
- 4. Read <u>HTA guidance</u>





Matters Arising: Case 2

A recipient under your care expresses a wish to travel abroad to receive a transplant and asks you for a record of their HLA type.

They have no suitable living donors in the UK and they tell you that they do not want to wait any longer for a kidney here and they can get one much quicker in the country they plan to travel to.

What do you do?







Case 2: Patient who has expressed a wish to travel abroad for a transplant, has been counselled against doing so but still requests HLA typing

- 1. Information on the HTA website for patients and professionals on travelling overseas
- 2. Provide Leaflet on Declaration of Istanbul to patients
- **3.** Be clear with patients not only about the quality and safety risks of seeking an organ transplant overseas, but also that they are opening themselves up to prosecution
- 4. Red flags include anxiety from patient about being listed in the UK





Case 2: Patient who has expressed a wish to travel abroad for a transplant, has been counselled against doing so but still requests HLA typing

- **5. Under Article 15 of the GDPR**, patients have a right to access, and receive copies of, their health records and this includes H&I data.
 - It is unlikely that a transplant team would be committing a criminal offence by providing the patient with their medical H&I data
- 6. The change made to the law in July 2022 means that the offences related to commercial dealings that already existed (had they taken place in the UK) e.g. giving, offering, receiving, initiating or negotiating a reward, now apply if they are committed anywhere in the world
- 7. Reporting processes are being reviewed and will be clarified, but please notify HTA of any cases of concern via transplants@hta.gov.uk





Matters Arising: Case 3

You see a non-resident living donor in your clinic who is planning to donate to a recipient under the care of one of your colleagues.

You are concerned that they have a superficial understanding of what is involved in the donation process and they are not very forthcoming about the nature of their relationship with the recipient.

What do you do?







Case 3: Potential non-resident living donor has arrived in the UK, is potentially vulnerable and a decision is made that they are not suitable to proceed to donation

- **1.** Keep safeguarding concerns in mind could they have been trafficked?
 - Signs to look for include lack of understanding about why they are in the UK
 - Concerns about age / education / wealth disparity between donor and recipient
 - Concerns that relationship is not as claimed
- **2. Consult hospital safeguarding team** if you have any of these concerns and contact HTA if you need further advice.
 - If any immediate safeguarding concerns (if a person may be in danger of harm) contact the Police





If in Doubt...

Early consultation with the HTA, when

- There is little or no evidence of relationship
- You have any other concerns

transplants@hta.gov.uk or 0207 269 1900







Next Steps

 Multi-agency collaboration to improve safeguards and support legitimate travel for transplantation

In progress

Guidance documents- review and update

- HTA guidance and reporting processes
- BTS UK Living Donor Transplantation Guidelines
- NHSBT resources

