

Travel for transplantation

Guidance for patients and living donors

What is travel for transplantation and why is it important to talk about it?

Most people who travel to another country to receive a transplant or to donate an organ do so for legitimate reasons. However, illegal transplants still happen, which puts everyone involved at risk.

This guidance covers what you need to know about travel for transplantation if you are a patient waiting for a transplant (recipient) or someone who is considering donating an organ as a living donor. **It will be updated as new information is made available.**

Travel for transplantation describes:

1. Anyone who travels outside the UK for a transplant abroad, from a living or deceased donor.
2. Anyone who travels to the UK from another country to donate an organ as a living donor.

What are the laws in the UK relevant to travel for transplantation?

- **Under the Human Tissue Acts** in the UK, buying and selling organs for transplantation is illegal and is regulated by the Human Tissue Authority (HTA). This means that anyone who gives, seeks, or offers payment or reward for donating organs for transplantation is breaking the law and can be prosecuted.
- **Since July 2022, the HTA is obliged to act on any suspicion of illegal activity** involving payment for a transplant where the transplant has taken place outside the UK – in the same way as they do for transplants within the UK. The HTA needs to be made aware of cases of concern and they may decide to refer them to the UK Police Force for further investigation.
- **Under Modern Slavery Laws**, it is a criminal offence if someone is trafficked, at home or abroad, to donate an organ to someone in need of a transplant. In May 2023, people involved in a case of human trafficking for this purpose into the UK were prosecuted and received maximum prison sentences.
- **People who break the law to make a transplant happen** may face imprisonment for a Human Tissue Act offence and life imprisonment if they are found guilty of a modern slavery offence. Crimes related to organ donation and transplantation affect public confidence, which means that fewer people may volunteer to donate their organs, after death or when they are alive and everyone waiting for a transplant loses out.

Why is it important now?

Since 2008, there have been strategies in the UK to increase organ donation from deceased and living donors so that people waiting for a transplant receive one when they need it. Before the COVID-19 pandemic, this meant that the number of people waiting for a transplant had gone down year on year, their wait had become shorter and the incentive to travel in or out of the UK to make a transplant possible was low. Following the pandemic, more people are waiting for a transplant and waiting times have increased. Freedom to travel again may encourage people to look elsewhere for the opportunity to have a transplant more quickly.

Why is illegal transplantation a problem?

Illegal transplantation is a problem for two reasons:

1. If an organ is paid for, it is illegal, and anyone involved in the process is at risk of prosecution.
2. The outcome of transplants that take place illegally outside the UK is often inferior in comparison with transplants that happen in the UK where the Quality and Safety of Organs is regulated.

If people travel abroad for a transplant against the advice of their transplant team, without a medical referral or access to their health records, the risk of a poor outcome for the transplant and recipient is increased.

People who travel abroad for a transplant and are entitled to NHS care will be treated under the NHS on their return. However, they often come back with very little information about who has donated (a living person or someone who has died), anything about the transplant surgery or their recovery and transplant teams must piece together what has happened to them.

This puts the recipient and the success of the transplant at risk because, if things go wrong, it may not be possible for the transplant team to understand the causes and the best treatments for them.

What can be done to avoid travel for transplantation and warn people about the risks?

Everyone involved in the organ donation and transplantation programme in the UK is committed to increasing the supply of organs for transplant for people who are waiting, where it is legal and ethical to do so. Like most other countries in the world, the number of people in need of a transplant has increased due to the COVID-19 pandemic.

Getting a transplant in a timelier manner might tempt people to take risks that they would not usually consider but ‘quicker’ does not necessarily mean ‘better.’

Potential recipients need to be aware of the risk of prosecution and the health risks associated with travelling abroad to receive a transplant in certain circumstances. Anyone who plans to travel outside the UK for a transplant is advised to discuss it with their transplant team before they make a decision and to read the leaflet at this link www.declarationofistanbul.org/resources and look at the recommended websites (see below) so that they are fully informed about their options.

Transplant professionals need to ensure that patients under their care have access to as many transplant opportunities that might be suitable for them in the UK as possible and that all of these are discussed. As part of their duty of care, they need to provide information about receiving a transplant outside the UK, help patients to understand what can go wrong and how the law works to prevent illegal (payment for) transplants. They are expected to discourage behaviour that may end up putting their patients at risk and to report any concerns to the Human Tissue Authority.

Potential donors travelling to the UK

If a patient has the offer of a living donor transplant from someone who lives abroad, it is better if the donation and transplant can be carried out in the UK, provided that the person wishing to donate is suitable to donate, medically and psychologically and that the transplant is ethical and legal.

Anyone wishing to travel to the UK to be considered as an organ donor can only be considered if:

- All other possible living donor options in the UK have been explored first.
- The person offering to donate from abroad is donating to an identified recipient in the UK with whom they have a genetic or close personal relationship. This must be a family member or close friend with whom the recipient can show evidence of a relationship over time - this means that anyone from outside the UK who responds to a social media/media call, or any case where the relationship cannot be clearly evidenced would not be considered.
- They can show evidence of their relationship and provide documentation for UK Visas and Immigration (if a UK Entry visa is needed) and legal (HTA) requirements.

Patients and potential living donors are responsible for providing the evidence of relationship that is needed and their living donor coordinator (LDC) will have to ask them for this information prior to arranging travel and/or application for a UK Entry Visa. Transplant professionals are expected to carefully assess people who want to donate to make sure that they are suitable - physically and psychologically - as well as fully understand what being a

living donor involves and how it will impact on their life afterwards. It is their role to make sure people who volunteer to donate really want to do so and that it is the right decision for them. If not, the donation will not go ahead.

Further information

Declaration of Istanbul on Organ Trafficking and Transplant Tourism

www.declarationofistanbul.org/

Human Tissue Authority- Travelling Overseas for Illegal Transplantation

www.hta.gov.uk/guidance-public/body-organ-and-tissue-donation/living-organ-donation/travelling-overseas-illegal

UK Visas and Immigration

www.gov.uk/standard-visitor/visit-for-medical-reasons

NHS Blood and Transplant:

Living donor information

www.organdonation.nhs.uk/become-a-living-donor/

Recipient information

www.odt.nhs.uk/information-for-patients/

Clinical Information

www.odt.nhs.uk/transplantation/tools-policies-and-guidance/policies-and-guidance/