

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

J. JESUS TORRES-AGUILAR,
Petitioner,

No. 99-70096

v.

OPINION

THOMAS, Circuit Judge:

We consider in thi-28sealn te scope of our review of due3

review. Torres-Aguilar timely petitioned for review by this court.

II

This case is governed by IIRIRA's transitional rules.

Among other changes, IIRIRA reduced the role and nature of judicial review in immigration proceedings. Kalaw v. INS,

9th Cir. 1997) ("ed by IIRreplacementrules.judicial r.r.r.purportIRIo vesteduceBIA withure of

b) at nges, IIRpealedure ofjudicial rati-ure ofcourt.Thisrev trated igroneaftng April 1, 1997, a4 0se -rules.

Although IIRIRA has imposed jurisdictional limits on judicial review, courts retain jurisdiction "to determine whether jurisdiction exists." Aragon-Ayon v. INS, 206 F.3d 847, 849 (9th Cir. 2000). Under pre-IIRIRA law, namely old INA § 106, courts of appeals reviewed BIA decisions not to suspend deportation for abuse of discretion. See, e.g., Ordonez v. INS, 137 F.3d 1120 (9th Cir. 1998). However,

To be colorable in this context, the alleged violation need not be "substantial," cf. Flores-Miramontes v. INS, 212 F.3d 1133, 1135 n.3 (9th Cir. 2000), but the claim "must have

